

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34193 of 2018

Arising Out of PS.Case No. -25 Year- 2018 Thana -BASANTPUR District- SIWAN

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Rohit Kumar Singh @ Rohit Singh @ Rohit Kumar, resident of village –
Pahari Chak, Sonapur, P.S.-Sonapur, District-Saran, A/P resident of village
– Madhaura, P.S.-Madhaura, District – Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 20-06-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272, 273, 308, 420, 120B and
201/34 of the Indian Penal Code and Sections 30(a), 38 and 41(1)
of the Bihar Prohibition and Excise Act, 2016.

3303 litres of foreign liquor is said to have been
recovered from the six different vehicles and as per the spy, the
petitioner is said to have arrived at the place of occurrence to meet
Prafulla @ Raj Singh to purchase liquor but managed to escape
seeing the police party.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the vehicle in question or with any trade of liquor. There is nothing convincing and plausible on the record indicating the complicity of the petitioner in the occurrence barring tip off given by the spy which has no evidentiary value in the eye of law. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 21.04.2018. Co-accused, namely, Ranjit Kumar Singh has been enlarged on bail by this court vide order dated 16.04.2018 passed in Cr. Misc. No. 21149 of 2018 and Anil Sah by a co-ordinate bench of this Court vide order dated 12.04.2018 passed in Cr. Misc. No. 19465 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Addl. Sessions Judge cum Special Judge, Excise, Siwan in connection with Basantpur P.S. Case No. 25 of 2018.

(Prakash Chandra Jaiswal, J)

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