

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19357 of 2018

Arising Out of PS. Case No.-231 Year-2017 Thana- MAIRWA District- Siwan

Rahul Kumar Singh @ Rahul Singh S/o late Ganga Sagar Singh R/o Village-
Pipra, Present- Shri Nagar, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 16.01.2018 in connection with Mairwa P.S. Case No. 231 of 2017, G.R. No. 3537 of 2017 for offences punishable under Sections 272, 273, 308, 420/34 of the Indian Penal Code and Sections 30(A), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that in the house named Moti Mahal of co-accused Sri Kant Prasad and Rama Kant Prasad huge consignment of liquor is lying, the police conducted a raid and near the boundary and terrace of the said Moti Mahal recovered 400 litres 980 ml. of foreign liquor and 6 litres of country-made liquor. Accordingly, a seizure-list was



prepared. They named one Kashi Jaiswal to be a liquor Mafia, who used to sell liquor with his wife co-accused Radha Rani Devi. They also revealed that the petitioner and co-accused Manish Singh were engaged in selling of liquor. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated in the aforesaid case only on suspicion, he was not caught red-handed nor at the place where seizure was made and just because he has a criminal antecedent he has been made accused in the present case. He submits that because he has land dispute with his agnates, he has been falsely named by the co-villager, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender as he does not bear a clean antecedent and is involved in five more cases, three of similar nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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



learned Addl. District and Sessions Judge-2nd, Siwan, in connection with Mairwa P.S. Case No. 231 of 2017, G.R. No. 3537 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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