

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19448 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- DAGARUA District- Purnia

Rohit Kumar S/o Shashi Bhushan Singh, R/o Vill.- Kamrudin Pur, P.S.-
Singhaul, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Ahtash Ali Khan, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner is languishing in judicial custody since
22.02.2018 in connection with Special Case No. 164 of 2018
arising out of Dagarua P.S. Case No. 31 of 2018 registered for
the offence punishable under Sections 272, 273 of the Indian
Penal Code and Section 30 A of the Bihar Excise and
Prohibition Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during course of vehicle checking, they
intercepted a pick-up van and from the said van co-accused
driver Jitendra Kumar was apprehended. Petitioner was sitting
along with the driver. From the pick-up van 47.250 litres of
foreign liquor and 168 litres of country made liquor were



recovered. Accordingly, seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, he had just taken lift in the pick-up van and did not know that it was carrying illicit liquor. He submits that although the petitioner was arrested on 19.02.2018 but he has been sent to judicial custody on 22.02.2018. He submits that he bears no criminal history, nothing has been recovered from his conscious possession and he has been made accused only on suspicion.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Purnia-cum-Special Judge, Excise Act Purnia in connection with Special Case No. 164 of 2018 arising out of Dagarua P.S. Case No. 31 of 2018, subject to the conditions that:

- (1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an



affidavit stating his relationship with the petitioner.

(2) The petitioner will co-operate in the investigation/trial and provide all necessary information, failing which the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(3) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

