

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21365 of 2019

Arising Out of P.S. Case No.-350 Year-2018 Thana- BIBHUTIPUR District- Samastipur

RAJESH KUMAR, aged about 25 years, (Male) S/o Late Jay Narayan Singh
R/o village- Shivnathpur, P.S.- Vibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Indra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Vibhutipur
P.S.Case No.350 of 2018 for the offence alleged under Section
30(a) of the Bihar Prohibition and Excise Act, 2016 and
Sections 272, 273/34 of the Indian Penal Code.

The prosecution case as lodged by the police
personnel is that on secret information the High Secondary
School at the village was raided and in the field 258.120 liters of
Indian Made Foreign Liquor was recovered. Two-three persons
tried to flee away and co-accused Amar Raj was apprehended
while trying to flee in the car who revealed the name of the
petitioner and one other to be involved in the trade of illicit
liquor as his associates. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, not apprehended on the spot and was named by the co-accused out of personal enmity. He submits that nothing has been recovered from his conscious possession and he is languishing in judicial custody since 13.02.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases of similar nature are pending against him.

Considering the nature of allegations, the materials on record and the fact that the petitioner was not apprehended on the spot, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Vibhutipur P.S.Case No.350 of 2018 to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, Excise, Samastipur, subject to the following conditions:-

(i) 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.

(ii) Petitioner will appear before the learned court



below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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