

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 12928 of 2020

Arising Out of PS. Case No.-632 Year-2018 Thana- DEHRI TOWN District- Rohtas

=====

Dadan Singh (Male), aged about 35 years, son of Arjun Singh, Resident of
Village-Dhaudad, P.S.-Sasaram (M), District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate
For the State : Mr. Md. Sufyan, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ajay Kumar Tiwari, learned counsel for the petitioner and Mr. Md. Sufyan, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Dehri (Town) PS Case No. 632 of 2018 dated 08.07.2018, instituted under Sections 120B/420/467/468/471 of the Indian Penal Code and 30(a)/38(i)(ii)/41(i)(ii)/31/38 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner and seven others is of dealing in illicit liquor in connection with which



6007.14 litres of whisky has been recovered from a tanker bearing registration of the State of Rajasthan.

5. Learned counsel for the petitioner submitted that he has been falsely implicated only due to the so-called name taken by the persons who had gathered at the place of seizure on 07.07.2018 due to local politics as he is the Sarpanch of Dhaudad. It was submitted that the petitioner as also his paternal brother have been made accused namely Kuldeep Singh, who has been granted anticipatory bail by a coordinate bench on 17.04.2019 in Cr. Misc. No. 24610 of 2019. Learned counsel submitted that the petitioner has no criminal antecedent and further that nothing has come during investigation to connect the petitioner either to the recovered article or in the confessional statement of the driver of the tanker who was arrested at the spot or even the motorcycle seized with the tanker. Learned counsel submitted that even the CDRs of the phone of the petitioner and his driver do not indicate that they had talked to any co-accused or were in close proximity of the place from where the seizure was made at the relevant point of time.

6. Learned APP, from the case diary, submitted that the villagers who had gathered at the spot have disclosed the



name of the petitioner as one of the persons who was dealing in the business of illicit liquor. However, he did not controvert that nothing incriminating has been recovered from his house and there is no material connecting him to the crime as even the motorcycle which was left by some of the co-accused at the place of occurrence when the police had gone did not belong to the petitioner. It was also not controverted that the CDRs do not disclose the petitioner or his driver being in the vicinity of the seizure at the relevant point of time.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in Dehri (Town) PS Case No. 632 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and subject to further conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the



petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

