

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18096 of 2021**

Arising Out of PS. Case No.-138 Year-2019 Thana- VAISHALI District- Vaishali

RAJNISH SINGH @ RAJANISH KUMAR SON OF LATE KAMDEO
SINGH RESIDENT OF VILLAGE- PHATEHPUR, P.S.- VAISHALI,
DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Bela Singh, Advocate

For the Opposite Party/s : Mr Uday Chand Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 22-10-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Vaishali Police Station
(for brevity, PS) Case No 138 of 2019 dated 14.04.2019
instituted for the offence punishable under Sections 30 (a)/32
(2)/41 (1) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 6201 liters of illicit foreign liquor
from a truck parked near a poultry farm. One Kira Ram has
been arrested. It is on statement of this co-accused, which is
unsustainable in the eyes of law, that the petitioner has been



implicated as being the person on whose instance, the liquor has been brought by the truck.

Learned counsel for the petitioner submits that petitioner's implication is merely on the basis of his antecedents in two cases, as per disclosure made in paragraph 3 of the bail application. He is in custody in this case since 02.12.2020. Even, as per the prosecution case, there is no recovery from the petitioner nor he was arrested at the time and place of recovery. Co-accused Kira Ram, upon whose confessional statement petitioner has been arrested, has been allowed bail by this Court in Cr Misc No 41310 of 2019 by order dated 10.07.2019.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Vaishali in connection with Vaishali PS Case No 138 of 2019 dated 14.04.2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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