

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18341 of 2021

Arising Out of PS. Case No.-139 Year-2020 Thana- RAGHOPUR District- Vaishali

RAJESH KUMAR SINGH Son of Shivnath Prasad Singh Resident of
Village-Shitalpur, Kamalpur, P.S.-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-06-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the
defects, as pointed out by the office, within four weeks of resumption
of normal court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner seeks bail in connection with Raghopur
(Rustampur OP) P.S. Case No. 139 of 2020 registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and Excise
Act.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from the conscious physical
possession of the petitioner rather 266.625 Indian made foreign
liquor is said to have been recovered from white colour pick vehicle



bearing registration No. BR01BJ-4396. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that petitioner is the owner of the vehicle and not the driver of the vehicle and whatsoever said to be recovered from aforesaid vehicle is not associated with the petitioner at all. He further submits that compliance of Section 100 code of criminal procedure was not followed. Petitioner has two criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 19.10.2020.

Petitioner is agreed to deposit a sum of Rs. 10,000 (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Raghapur P.S. Case No. 139 of 2020, Excise G.R. No. 753 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the



court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000 (Rupees Ten Thousand) in the PM Cares fund.

GAURAV S./-

(Anjani Kumar Sharan, J)

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