

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19270 of 2021

Arising Out of PS. Case No.-746 Year-2020 Thana- KHAJANCHI HAT District- Purnia

RUPESH KUMAR SINGH @ MITHTHU SON OF DINESH SINGH
RESIDENT OF VILLAGE-NAVRATAN, P.S.-K.HAT (SAHAYAK) DIST-
PURNEA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-11-2021 Heard Sri Raj Kumar, learned counsel appearing for
the petitioner and Sri Rajendra Nath Jha, learned A.P.P. for the
State.

The petitioner seeks regular bail in connection
with Spl. Excise Case No. 641 of 2020, arising out of K.Hat
(Sahayak) P.S. Case No. 746 of 2020 for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that on
29.12.2020, a raid was conducted in the house of petitioner
and 76.98 litres of Indian Made Foreign Liquor recovered from
the toilet tank of the petitioner.

Learned counsel appearing for the petitioner
submits that petitioner has falsely been implicated in this case.
He further submits that nothing has been recovered from the



possession of the petitioner. He further submits that petitioner has been languishing in jail custody since 30.12.2020 and as such he deserves to be released on bail.

Learned A.P.P., however, opposes the prayer for grant of bail of the petitioner.

Having considered the facts and circumstances of the case and looking into the period of custody, I am inclined to release the petitioner on bail subject to the condition that petitioner shall execute a personal bond of Rs. 1,00,000/- (Rs. One Lakh) and on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Purnea in connection with Spl. Excise Case No. 641 of 2020, arising out of K.Hat (Sahayak) P.S. Case No. 746 of 2020 subject to the following conditions:-

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail,



the trial court shall take steps to cancel his bail bonds.

(III) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(IV) If the petitioner tampers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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