

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21220 of 2021**

Arising Out of PS. Case No.-7 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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RUPAK SINGH, SON OF OM PRAKASH SINGH RESIDENT OF
VILLAGE- SIYAVA, P.S.- SAIDPUR, DISTRICT- GHAZIPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Patel, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-11-2021 Heard Sri Ranjay Kumar Patel, learned counsel

appearing for the petitioner and Sri Parmeshwar Mehta, learned

A.P.P. for the State.

The petitioner seeks regular bail in connection
with P.R. No. 07 of 20-21 for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that in course of
patrolling duty, the A.S.I (Excise) Kaimur Bhabua Police
Station got secret information that illicit liquor is being carried
by a bus coming from U.P. In course of checking, 21.000 litres
of illicit liquor, kept in plastic bag, recovered from the
possession of the petitioner.

Learned counsel appearing for the petitioner
submits that petitioner has clean antecedent and he has falsely



been implicated in this case. He further submits that petitioner has been languishing in jail custody since 22.01.2021 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 the antecedent of the petitioner, I am inclined to release the petitioner on bail subject to the condition that any of his close relative or his responsible person shall furnish Bank Draft of Rs. 1,50,000/- (Rs. One lakh fifty thousand) in favour of Bihar State Legal Services Authority at Patna in Court below, which shall be retained by the Court below to see that the petitioner does not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon 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) Kaimur at Bhabua in connection with P.R. No. 07 of 20-21 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.

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the court below.

(Purnendu Singh, J)

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