

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22933 of 2021

Arising Out of PS. Case No.-419 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

SUKHBINDRA SINGH @ SUKHWINDAR SINGH @ SUKKHA@
SUKHA SON OF BALKAR SINGH RESIDENT OF VILLAGE- UHLA
BIKHKHI, BHIKHIWIND, P.S.- TARAN, DISTRICT- TARAN (PUNJAB)
... .. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner	:	Mr. Sandeep Kumar, Senior Advocate
		Mr. Arvind Kumar, Advocate
For the Opposite Party	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 11-08-2021 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Kuchaikote P.S. Case No. 419 of 2019, registered for the offence punishable under Sections 30(a), 32(2) and 41(i) of Bihar Prohibition and Excise Act, 2018.

Petitioner's prayer for regular bail was earlier rejected by this Court by an order 07.12.2020 passed in Cr. Misc. No. 31631 of 2020.

With reference to an occurrence dated 06.12.2019, wherein the police is said to have recovered more than four thousand liters of Indian Made Foreign Liquor, petitioner has been named in the First Information Report, as the owner of the vehicle (Truck).

It is the specific case of the petitioner that as on the



date of occurrence, the petitioner was in judicial custody from 23.11.2019 and was in a jail in Punjab.

Mr. Sandeep Kumar, learned Senior Counsel appearing on behalf of the petitioner has argued that the petitioner has been remanded in the present case and is in custody in this case since 15.06.2020. Except for the confessional statement of the Driver of the vehicle, Tarsen Singh @ Tarsem Singh, that the petitioner and one Harbindra Singh were the owners of the vehicle, there is no material collected during the course of investigation against him regarding his culpability. He has further urged that as the petitioner has remained in custody for more than one year and since the only material against him is the confessional statement of the Driver, the petitioner deserves to be released on regular bail. The Driver Tarsen Singh @ Tarsem Singh has been allowed regular bail by this Court by an order dated 14.05.2020 passed in Cr. Misc. No. 18272 of 2020.

On perusal of the case diary, I find force in the submission made on behalf of the petitioner. Further, considering the petitioner's incarceration and the fact that co-accused Tarsen Singh @ Tarsem Singh has been allowed regular bail, this application is allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II-cum-Special Judge, Excise, Gopalganj, in Kuchaikote P.S. Case No. 419 of 2019.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

