

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28480 of 2021

Arising Out of PS. Case No.-16 Year-2019 Thana- MAIRWAN District- Siwan

RAHUL KUMAR SINGH Son of Late Ganga Sagar Singh Resident of
Village- Srinagar Mairwa Pipra, P.S.- Mairwa, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Mairwa P.S. Case No. 16 of 2019
registered for the offences punishable under Sections
272/273/308 and 34 of the Indian Penal Code and Sections 30(a),
38 (i) and 41(i) of Bihar Prohibition and Excise Act, 2016. The
petitioner is in custody since 25.02.2021. He has one criminal
antecedent.

As per the prosecution story, the informant got
information that a truck loaded with illicit liquor and two
motorcycles are coming near English Canal bridge. On this



information, the informant along with other police personnel started vehicle checking at the given place and in course of vehicle checking they saw a truck and two motorcycles but on seeing the police party the accused tried to flee away and after chase they managed to escape. On search of the truck total 4557.600 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case on mere suspicion. It is submitted that the petitioner was not present in the truck in question. It is then submitted that co-accused Kashi Jaiswal has already been granted bail by a learned Co-ordinate Bench of this Court. The petitioner is in custody since 25.02.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner was not present in the vehicle/truck in question from which the recovery has been made, he is said to be one of the persons who was riding on the motorcycle and suspicion has been raised against him that he was involved in the said consignment of the truck, further co-accused similarly situated who was also on the motorcycle, namely Kashi Jaiswal has been granted bail by a learned Co-ordinate Bench of this



Court in Cri. Misc. No. 39765 of 2019 (Annexure '2'), the petitioner has got one criminal antecedent of different nature in which he is said to be on bail, he is in custody since 25.02.2021, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd -cum-Special Judge (Excise), Siwan in connection with Mairwa P.S. Case No. 16 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

