

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29319 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- BIBHUTIPUR District- Samastipur

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OSHO RAJNISH S/o Sikandar Prasad Singh @ Sikandar Singh R/O Village
Chandsurari, P.S. Vibhutipur, Dist. Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
		Mr. Bijay Bhushan Prasad, Adv.
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-12-2021 Heard Mr. Arun Kumar, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with

Vibhutipur PS Case No. 167/2020 registered for the offence

punishable under Sections 272, 273 of the IPC and Section

30(a) of Bihar Prohibition & Excise Act, 2016.

The allegation, as per First Information Report, is that

the police on the basis of secret information intercepted two

vehicles i.e., Tata Pickup Van and a Truck from where altogether

5418 litres of illicit Indian made foreign liquor have been

recovered.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case inasmuch as he is neither the owner nor the driver of the said vehicles and his name has transpired on the basis of confessional statement made by one co-accused, Kamlesh Kumar Mahto who was arrested on the spot. He next submits that the co-accused, Kamlesh Kumar Mahto has been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 25408/2020. It is also submitted that the petitioner is in custody since 01.02.2021.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and the vehicles, from where the recovery has been made, do not belong to him, he is in custody since 01.02.2021 and a similarly situated co-accused, Kamlesh Kumar Mahto has been granted bail by a Bench of this Court and charge-sheet has also been submitted in the matter, I am inclined to grant regular bail to the petitioner subject to the condition that the petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

Accordingly, let the petitioner, OSHO RAJNISH be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge, Excise, Samastipur in connection with Vibhutipur PS Case No. 167/2020.

(Anil Kumar Sinha, J)

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