

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10772 of 2021**

Arising Out of PS. Case No.-343 Year-2019 Thana- SAKRA District- Muzaffarpur

RAHUL KUMAR SINGH SON OF RAVINDRA KUMAR SINGH
RESIDENT OF VILLAGE- KATESHWAR, P.S.- SAKRA, DISTRICT-
MUZAFFARPUR, BIHAR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh,Advocate

For the Opposite Party/s : Mr.Surendra Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the office within four weeks after start nor normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Surendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sakra P.S. Case No. 343 of 2019 registered for the offences punishable under Sections 468/420/469/120B of the Indian Penal Code and Section 30/30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on secret information that some persons are involved in unloading of illicit liquor from the truck, police officials reached at the given place of occurrence. It is further alleged that on seeing the



police party all the persons including this petitioner fled away and on search of the vehicles total 6050.280 liters of foreign 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 alleging that the petitioner was seen fleeing away after leaving vehicle and wine. It is submitted that the petitioner is neither the owner of the vehicle nor he has any concern with the wine. It is further submitted that the co-accused Sonu Kumar and Nitesh Kumar have been granted bail. The petitioner is in jail since 21.10.2020 having no criminal antecedent.

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 it is the submission of learned counsel for the petitioner that the petitioner has been falsely implicated in this case on mere suspicion alleging that he was seen fleeing away after leaving the vehicle and wine, however, petitioner is neither the owner of the vehicle nor he has any concern with the wine, the co-accused similarly situated namely Sonu Kumar and Nitesh Kumar have been granted bail and the petitioner is in



custody since 21.10.2020, in these circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur in connection with Sakra P.S. Case No. 343 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.

