

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12490 of 2022**

Arising Out of PS. Case No.-433 Year-2019 Thana- SARAI District- Vaishali

Rajeev Kumar @ Karu @ Rajeev Kumar Son of Asheshwar Ray Resident of
Village- Mahua Singh Rai,P.S.- Mahua, District-Vaishlai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sarai P.S.
Case No. 433 of 2019 registered for the offence under Sections
30(a) and 35(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.12.2021.



The allegation against the petitioner is to involve in illegal business of illicit liquor where there is recovery of 4455 liters of IMFL.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, Sher Singh, who is the driver of the alleged truck from where illicit foreign liquor was seized. It has further been submitted that during the course of investigation, nothing surfaced, which may connect the petitioner with alleged recovery in furtherance of confessional statement of co-accused. It has also been submitted that petitioner is involved in two cases of similar nature in which he is on bail. While concluding the argument, it has further been submitted that investigation of the case is complete and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the name of the petitioner surfaced on the basis of confessional statement.

Considering the facts and circumstances as mentioned above, nothing incriminating surfaced during the course of investigation, which may connect the petitioner with alleged



recovery in furtherance of confessional statement of the driver of the truck coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Sarai P.S. Case No. 433 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise (Second)-cum-Additional District and Sessions Judge, Hajipur, Vaishali, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(iii) That one of the bailors shall be
Ranjan Kumar, who is the brother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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