

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18507 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- MAHNAR District- Vaishali

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Raghu Singh @ Raghubir Singh, S/o Pramod Singh, R/o Village-
Chamarhara, P.S.- Mahnar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mahnar P.S. Case No. 278 of 2021 registered for the alleged offences under Sections 413, 414, 271, 272 and 34 of IPC and Section 30(a), of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that total 1726.00 litres of India made foreign liquor was recovered from the cowshed of co-accused Anjan Singh and a pick-up van parked in front of it. The co-accused Ravindra Paswan was apprehended, who



disclosed the name of this petitioner along with other co-accused persons for being involved in the trade of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has not been arrested from the spot. Nothing incriminating has been recovered from his possession. It is obvious that all the recovery has been made from the property of some other co-accused person and the petitioner has been roped in this case merely on the basis of alleged confession of the co-accused driver of the vehicle. Other similarly placed co-accused persons have been granted bail by a Co-ordinate bench vide order dated 13.06.2022 passed in Cr. Misc. No. 8333 of 2022 and order dated 14.06.2022 passed in Cr. Misc. No. 9499 of 2022. The charge-sheet has been submitted in this case and the petitioner is in custody since 20.02.2022 and is having criminal antecedent.

Learned APP opposes the prayer for bail.

Having regard to the fact that the name of the petitioner came up in the statement of co-accused and nothing has been recovered from this petitioner and further considering the fact that the similarly placed co-accused persons have been granted bail and further considering the submission of charge-



sheet as well as the period of his custody, the petitioner above named is directed to 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 Court of Special Excise Court No.2, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 278 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) Petitioner will not commit similar type of offences in future.
- (v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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