

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30905 of 2021

Arising Out of PS. Case No.-379 Year-2018 Thana- MANJHAGARH District- Gopalganj

RAJESH KUMAR SINGH Son of Rajmangal Singh Resident of Village -
Delua, P.S.- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raja Sah Son of Nandu Sah Resident of Village - Jalpurwa, P.S.- Barauli,
Distt.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.H.A. Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-01-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceedings.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within the undertaken period, the office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable under sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act.

Altogether 648 liters of illicit liquor is said to have been recovered from a four wheeler vehicle and one Raj Kumar



Yadav was apprehended, on his disclosure 5641.92 liters of liquor was recovered from a paddy field and one Apache motorcycle loaded with liquor was recovered.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case. Petitioner is not named in the FIR and during investigation his name transpired in the case as he was the original owner of the vehicle from which 648 liters of liquor was recovered but it is pertinent to mention that the said vehicle was already sold to one Raja Sah (O.P. No.2) prior to the date of occurrence. In fact Raja Sah sworn on affidavit on 09.08.2011 stating therein that he purchased the said vehicle from the petitioner. Raja Sah also sold the said vehicle to one Ravindra Yadav without getting the said vehicle registered in his name in the D.T.O. office. It is clear from the FIR that at the time of seizure Ravindra Yadav was the owner of the vehicle and not the petitioner but after purchase neither Raja Sah or Ravindra Yadav got the vehicle registered in their names, as such, name of petitioner transpired in the case as owner of the vehicle. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no



concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty Thousand) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Manjhagarh P.S. Case No.379/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000.00/- (Rupees Thirty Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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