

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21146 of 2022

Arising Out of PS. Case No.-411 Year-2020 Thana- KISHANGANJ District- Kishanganj

Rajiv Kumar Singh @ Chotu Singh Son of Awadhesh Singh @ Avadhesh Kumar Singh Resident of village - Shambhupatti, P.S.- Samastipur Muffasil, District – Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Jitendra Narain Sinha, learned counsel for the petitioner as well as Mr. Md. Mushtaque Alam, learned Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioner seeks permission to make necessary correction in paragraph no. 12 of



this application.

Permission is accorded.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kishanganj P. S. Case No. 411 of 2020 giving rise to Special Case No. 324 of 2020 registered for the offences punishable under Sections 272, 273, 420, 120(B) of the Indian Penal Code and Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the Police, on a secret information, intercepted a truck bearing registration no. BR-01-GA-8479. On search being made altogether 3584.640 litres Indian made foreign liquor was recovered. It is also alleged that on interrogation, the driver of the truck disclosed the name of the 11 persons including the name of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that save and except the disclosure made by the apprehended accused person, namely, Mulindra Kumar Singh, who was said to be driver of the truck, there is no other material against this petitioner. It is further submitted that only because of the past criminal antecedent of the petitioner, his



name is being repeatedly implicated in various cases and the present one is an example of the same. It is next submitted that the driver, who was apprehended at the spot has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 14362 of 2021 vide order dated 08.07.2021. A copy of which has been annexed as annexure 2 to this application. It is lastly submitted that this petitioner is in custody since 28.02.2022 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that from the F.I.R. it is evident that the entire consignment was to be handed over to the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the materials available on record and save and except the disclosure made by the driver of the truck, who has already been granted bail by learned co-ordinate Bench of this Hon'ble Court, there is no other material suggesting the complicity of the petitioner and moreover, after completion of the investigation, the charge-sheet has been submitted and as such, keeping the petitioner behind the bar



would serve no further purpose, let the petitioner, above named, be released on 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 learned Additional District and Sessions Judge-II, Special Judge (Excise) Kishanganj or its successor court in connection with Kishanganj P. S. Case No. 411 of 2020 giving rise to Special Case No. 324 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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