

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23612 of 2022

Arising Out of PS. Case No.-473 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAJEEV KUMAR SINGH @ CHHOTU SINGH Son of Awadhesh Singh @
Awadhesh Kumar Singh Resident of village - Shambhupatti, P.S.- Samastipur
Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Samastipur Muffasil P.S. Case No. 473/2021 (Excise GR No.
1234/2021) registered for the offences punishable under
Sections 467, 468, 471, 420, 120B of the Indian Penal Code and
Sections 30(a), 41 (1) (2) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 5413.320 liters foreign liquor from truck in question. The
petitioner was not apprehended on the spot and the apprehended



driver, Vinay Kumar of the said truck disclosed the name of present petitioner who had ordered the said consignment of liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused, Vinay Kumar. Learned counsel for the petitioner further submits that the petitioner has no concern with the seized liquor. The petitioner is languishing in custody since 23.01.2022 and bears criminal antecedent of 11 cases out of which 06 cases are of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner



above named be released on bail **after framing of charge** 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 Excise Court-I, Samastipur in connection with Samastipur Muffasil P.S. Case No. 473/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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