

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27436 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- BENIPATTI District- Madhubani

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RANDHIR SINGH @ RANDHIR KUMAR SINGH Son of Basant Singh
Resident of Village - Sahpur, P.s.- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 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. Bhaskar Shankar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Benipatti P. S. Case No. 217 of 2021 registered for the offences punishable under Sections 272, 273 120(B) of the Indian Penal Code and Section 30 (a) and 41 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a secret information, raided a brick kiln of Basant Jha situated in Bisunpur and on search, from different vehicles total 1551.375 litres Indian made foreign liquor was recovered. It is further alleged that the apprehended persons disclosed the name



of his associates.

Learned counsel appearing on behalf of the petitioner submitted that in fact, neither the petitioner was arrested at the spot nor any incriminating material was recovered from his person or possession and save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of the petitioner in the present case. It is further submitted that co-accused persons, who were arrested at the spot, have already been granted bail by this Hon'ble Court in Cr. Misc. No. 67600 of 2021 and Cr. Misc. No. 69966 of 2021 vide orders dated 27.04.2022 and 26.04.2022 respectively. It is lastly submitted that this petitioner is in custody since 05.04.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner has neither arrested at the spot nor any incriminating material has been recovered from his person or possession and other co-accused persons, having identical allegation have already been granted bail by this Hon'ble Court and moreover, this petitioner is in custody since 05.04.2022, having fair antecedent, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani in connection with Benipatti P. S. Case No. 217 of 2021, 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..

(Harish Kumar, J)

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