

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28031 of 2022**

Arising Out of PS. Case No.-134 Year-2021 Thana- BIDUPUR District- Vaishali

Rajesh Kumar Singh, Son of Shivnath Singh Resident of Village- Sitalpur  
Kamalpur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar, Advocate  
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      06-08-2022                      Heard learned counsel for the petitioner and the  
learned APP for the State through virtual mode in view of  
COVID-19.

Let the defect(s) be removed within four weeks of the  
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection  
with Bidupur P.S. Case No.134 of 2021 instituted under Section  
30(a), 41(1) of the Bihar Prohibition & Excise Act, 2018

The prosecution case, in short, is that on secret  
information, informant with police force reached at village-  
Chechra and brought the consignment of liquor. On seeing the  
police six persons fled away taking the advantage of darkness.  
The police found the vehicles in which liquor were loaded. On  
search, total 2594.88 liters of liquor and Rs.53,500/- were  
recovered/seized. Accordingly, the FIR was instituted and



seizure list prepared.

Learned counsel for the petitioner submits that for the alleged recovery/seizure of the Indian made foreign liquor he cannot be implicated in view of the fact that he is the owner of the truck but does not know what is being loaded from one destination to another which is completely responsible of the incharge of the vehicle i.e. the driver and his companion. He submits that only because he is the owner of the said vehicle, he is in custody since 19.02.2022 (as stated in para-13 of the bail application).

Be that as it may, taking into account the fact that the petitioner is in custody since 19.02.2022 and the charge sheet already stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bidupur P.S. Case No.134 of 2021 to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Additional Sessions Judge, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Prakash Narayan /-

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