

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38743 of 2021

Arising Out of PS. Case No.-378 Year-2019 Thana- BRAHMPUR District- Buxar

RAJESH KUMAR SINGH S/o Late Satya Narayan Singh Resident of
Village- Banarahi, P.S.- Sukhpura, O.P.- Hanuman Ganj, District- Balia (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-01-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 05.03.2021 seeks regular bail in connection with Brahmpur (Nainzor) P.S. Case No. 378 of 2019 registered for offences punishable under Sections 420, 414, 120(B)/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 631 litres and 620 ml illicit liquor was recovered from the government hospital, Nainzor. Altogether 7 persons were apprehended and the name of the petitioner has come because the petitioner is the owner of the vehicle from which 86 litres of India made foreign liquor was recovered.



Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner rather he has made a complaint before the police that his vehicle bearing Registration No. UP60Q-9291 was missing since the night of 29.08.2019 however the police refused to lodge any F.I.R as a consequence of that the petitioner filed a complaint case before Judicial Magistrate, 1st Class, Balia. He further submits that he was taking care of his wife since she was suffering from labour pain on 30.08.2019 and on 31.08.2019 his wife delivered a female child and discharged on 01.09.2019 and therefore, the allegation made in the F.I.R. against him is false. He further submits that petitioner has nothing to do with the said illicit liquor which was either recovered from his stolen vehicle or from the hospital.

Learned A.P.P., however opposes the prayer for grant of bail of the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and the petitioner is member of such organized trade and as such he does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case, prima-facie the petitioner has made out a case for grant of regular bail as nothing has been recovered



from his conscious possession, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 2,00,000/- (Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd Cum Special Judge Excise, Buxar in connection with Brahmpur (Nainizor) P.S. Case No. 378 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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