

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39142 of 2021

Arising Out of PS. Case No.-230 Year-2019 Thana- DIDARGANJ District- Patna

RAJU KUMAR Son of Late Vifun Singh Resident of Mohalla - Jeevanchak,
P.S.- Deedarganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 10.04.2021,
seeks bail in connection with Spl. Case No. 6933 of 2019,
arising out of Deedarganj P.S. Case No. 230 of 2019 for the
offence punishable under Section 272, 273, 308 and 420/34 of
the Indian Penal Code and Section 30(a), 32(1)(2)(3), 36 and 41
(1)(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 855
litres of Indian Made Foreign Liquor was recovered from the
house one Baby Devi and 130 litres of country made liquor



recovered from the pick up vehicle. The name of petitioner has surfaced on the basis of confessional statement of the said co-accused Baby Devi.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsley been implicated in this case. He further submits that petitioner is neither the owner of the house nor the owner of the vehicle from which the alleged liquor is said to be recovered. He further submits that nothing has been recovered from the possession of the petitioner.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of illicit liquor has been recovered and as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case and rival submissions of the parties, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Patna in connection with Spl. Case No. 6933 of 2019, arising out of Deedarganj P.S. Case No. 230 of 2019 subject to the following conditions:-



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

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

(3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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