

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29501 of 2022**

Arising Out of PS. Case No.-358 Year-2021 Thana- RANIGANJ District- Araria

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Raja Kumar, Son of Bilash Yadav @ Braj Bihari Singh, R/o Village- Diwana  
Tola, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      11-08-2022              Learned counsel for the petitioner is permitted to  
  
remove the defect(s), as pointed out by the office, within a  
  
period of four weeks from today.

Heard Mr. Anil Prasad Singh, learned counsel for the  
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Raniganj P.S. Case No.358 of 2021 registered  
for the offences punishable under Section 30 (a) of the Bihar  
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that in course of  
patrolling, the police on a secret information, intercepted a Pick-  
up Van and on search being made 698.250 litres of Indian made  
foreign liquor was seized. It is further alleged that three persons,  
who were found sitting in the Pick-up Van, tried to flee away,



however, out of three persons, one person was apprehended.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. However, in the F.I.R. it is alleged that the name of the petitioner has transpired on the written report itself given by the police personnel. It is next submitted that in fact on account of past criminal antecedent of the petitioner, his name has been implicated in this case without their being any material. It is also submitted that the petitioner is neither the owner of the vehicle nor he has any concern with the alleged illicit liquor, apart from the fact that there is other infirmities in the seizure list and moreover this petitioner is in custody since 24.03.2022 though the investigation of the crime is already completed and charge-sheet has been submitted.

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

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner and save and except the disclosure made by the



police personnel, there is no material which suggest the complicity of this petitioner and this petitioner is in custody since 24.03.2022, apart from the fact that investigation of the crime has already completed, let the petitioner, named above, 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 Special Excise Court No.-I, Araria in connection with Raniganj P.S. Case No. 358 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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