

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32141 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- RAMPUR District- Gaya

Sonu @ Shakti Singh @ Shakti Kumar Singh, Son of Late Ram Lakhan Singh, Resident of Village - Manjholia, P.S.- Amas, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Senior Advocate Mr.Subodh Kumar Barnwal, Advocate Mr. Rishabh Kumar Mishra, Advocate
For the Opposite Party/s :		Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-08-2022 This petition has been taken up for out of turn hearing on a supplementary affidavit being moved on behalf of the petitioner that the wife of the petitioner is suffering from depression and mental ailments.

Heard learned senior counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rampur P.S. Case No.340 of 2021, registered for the alleged offences under Sections 272, 273, 420, 120 (B) of the Indian Penal Code and Sections 30 (a), 33, 36 and 41 (1)



of the Bihar Prohibition and Excise Act.

As per the prosecution case, on getting information the police started checking of vehicles and two vehicles were intercepted and total 1225 liters of spirit was recovered and five co-accused persons were apprehended and one of them named this petitioner from whose godown situated in Jharkhand, this spirit was being brought.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner has no connection with the recovery made by the police and he has been falsely implicated in this case due to some grudge by the police personnel. Even if the prosecution case is taken to be true, no offence can be fastened of this petitioner as the spirit was taken out from his godown and thereafter there remains no concern with its end use for him. There is no independent witness to the search and seizure. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The charge sheet has been submitted in this case and the petitioner is in custody since 28.03.2022.

Learned APP opposes the prayer for bail submitting that from the godown of the petitioner recovered spirit was being brought by the co-accused persons for use in the State of



Bihar. Moreover, the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and his name came up only in the statement of the co-accused and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya, in connection with Rampur P.S. Case No. 340 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Pankaj Kumar Singh, cousin brother of the petitioner, who has sworn the affidavit in this case.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive



dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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