

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39194 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- NIMACHANDPURA District- Begusarai

PUSHPAK KUMAR @ PUSHPAK SINGH S/o- Damru Singh @ Daya Ram
Singh Resident of Village- Vandwar, P.s.- Nima Chandpura, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Gautam, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Nima Chandpura P.S. Case No. 112 of 2020 registered for the alleged offences under Sections 420 and 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, a raid was conducted on the basis of secret information about bringing of large consignment of illicit liquor which was to be distributed on a truck, a Bolero



pick-up-van and a motorcycle. The co-accused Ranvir Kumar was apprehended from the truck. From search of the vehicles, total 2898.81 litres of India made foreign liquor was recovered. The petitioner was named by the co-accused who was apprehended from the spot that the petitioner fled away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner has got no concern with the truck or Bolero pick-up-van from which recovery is stated to be made. The person who named this petitioner and was apprehended from the spot has been granted bail vide order dated 15.11.2021 passed in Cr.Misc. No. 21663 of 2021 by a Coordinate Bench. Other similarly placed co-accused Krishna Kumar and Bittu Singh have also been granted anticipatory bail by different Co-ordinate Benches vide order dated 03.08.2021 passed in CR.MISC. No. 20037 of 2021 and vide order dated 01.02.2022 passed in Cr.Misc. No. 27332 of 2022, respectively.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and



submission made on behalf of the parties and further considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with his period of custody, the petitioner above named 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 Special Judge, Excise Court No. 02, Begusarai in connection with Nima Chandpura P.S. Case No. 112 of 2020, 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 a close relative of the petitioner.
- (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)

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