

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39882 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- MAHNAR District- Vaishali

Binod Kumar Singh @ Binod Singh, Son Of Late Kisto Singh, R/O Village-
Basudeopur Chandel, P.S.- Mahanar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Mahnar P.S. Case No. 278 of 2021, registered
for the alleged offences under Sections 413, 414, 271, 272/34 of
the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, police received secret
information about unloading of a consignment of illicit liquor
and assembly of about 8-10 traders of the liquor at the cowshed
of the co-accused Anjan Singh. A raid was conducted at that



place and the co-accused Rabindra Paswan was apprehended from there and recovery of about 1726 litres of India made foreign liquor was made from the cowshed and the Pick-up van. The apprehended co-accused person named this petitioner along with other co-accused persons who were involved in the illicit trade of liquor.

Learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is not the owner of the land or the vehicle from where the recovery is said to be made. The owner of the Pick up vehicle has been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 11.02.2022 passed in Cr. Misc. No. 17 of 2022. Another similarly placed co-accused has been granted regular bail by another Coordinate Bench of this Court vide order dated 13.06.2022 passed in Cr. Misc. No. 8333 of 2022. The charge sheet has been submitted and the petitioner is in custody since 29.05.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended



from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, 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 Special Excise Court No. 2, Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 278 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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