

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41254 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- BISFI District- Madhubani

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Lalit Kumar Singh, S/O Ramchandra Singh, Resident of Village- Aunsi
Bhavangama, P.S.- Bisfi (Aunsi), District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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. Shailendra Kumar Jha, learned counsel for
the petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Bisfi (Aunsi) P.S. Case No. 215 of 2021,
corresponding to G.R. No. 1608 of 2021 registered for the
offences punishable Sections 272, 273, 34 of the Indian Penal
Code and Sections 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018 .

As per the prosecution case, the police on patrolling
duty, intercepted a truck bearing registration no. RJ27-GOA-



4475 and on search total 3780.720 litres of Indian made foreign liquor was recovered. The driver, who was apprehended at spot, disclosed the name of the petitioner as consignee of the alleged recovered liquor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his conscious or constructive possession and save and except the disclosure made by the driver of the truck, there is no material suggesting the complicity of the petitioner, though the petitioner, having fair antecedent, is in custody since 01.07.2022 and now the investigation of the crime is already completed and charge-sheet has been submitted, apart from the fact that the other co-accused persons have already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 2704 of 2022 vide order dated 18.05.2022.

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

Regard being had to the submission made on behalf of the parties and considering the fact that save and except the disclosure made by the driver of the truck, there is no material against the petitioner and other co-accused persons, named in the FIR, have already been granted bail by the learned co-ordinate



Bench of this Court and the petitioner, having fair antecedent, is in custody since 01.07.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Bisfi (Aunsi) P.S. Case No. 215 of 2021 corresponding to G.R. No. 1608 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.

(Harish Kumar, J)

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