

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58725 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- SINGHWARA District- Darbhanga

Rahul Kumar, Son of Ram Naresh Mishra, Resident of Village- Garahua
Bishanpur Dhauraj, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard 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 Singhwara P.S. Case No. 183 of 2020 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that from the Pick-up van, bearing registration No. BR06GE 2286 altogether 649.080 litres of illicit liquor was recovered and the petitioner is said to be the owner of the said vehicle. It is further alleged that during raid, one truck and one car containing different quantity



of liquor have also been recovered by the police.

It is submitted on behalf of the learned counsel for the petitioner that the petitioner was neither present at the place of occurrence nor anything has been recovered from his possession. So far as the Pick-Up Van is concerned that was being driven by the driver, namely Vijay Mahto, who used to run the vehicle on fare/rent. It is further submitted that similarly situated co-accused Rakesh Kumar Singh, who is said to be the owner of the car has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 17091 of 2021 vide order dated 25.06.2021. He further submitted that other co-accused has also been granted bail and this petitioner is in custody since 15.07.2021.

Learned APP for the State submits that the petitioner has been found involved in two other cases and he is the owner of the said vehicle, in question, from where recovery has been made.

Having considered the submissions made on behalf of the parties and taking into consideration that the petitioner is the owner of the Pick-Up van, which was being run by the driver on fare/rent and other co-accused persons have already been granted bail by different co-ordinate Benches of this Court, 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 2nd Additional Sessions Judge-cum-Excise Court, Darbhanga in connection with Singhwara P.S. Case No. 183 of 2020 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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