

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53901 of 2022

Arising Out of PS. Case No.-324 Year-2018 Thana- MAIRWAN District- Siwan

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BASANT KUMAR @ BASANT KUMAR SINGH, Son of Rajesh Singh,
Resident of village - Rampur Kala, P.S.- Phulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nityanand Tiwary, Advocate Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mrs. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mairwan P.S. Case No. 324 of 2018 registered
for the alleged offences under Sections 272, 308 and 34 of the
Indian Penal Code and under Sections 30(i), 38(i) and 41(i) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret
information about transportation of illicit liquor by the petitioner
and other co-accused person. The identified vehicle was
intercepted but on seeing the police party, the petitioner and other
co-accused person were successful in fleeing away but another co-



accused person, Dhananjay Prasad Soni, was apprehended who disclosed the name of the petitioner as the person who fled away from the spot. Total 406.80 liters of illicit foreign liquor was recovered from the Bolero vehicle.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Dhananjay Prasad Soni. The petitioner has no concern with the said co-accused or the recovered liquor or the said vehicle from which the recovery has been made. Learned counsel further submits that the petitioner was not apprehended from the spot. Charge sheet has been submitted in this case and the petitioner is in custody since 11.04.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the submission of charge sheet along with period of custody of the petitioner, 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.1, Siwan in connection with Mairwan P.S. Case No. 324 of 2018, 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)

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