

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54146 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- BARHIYA District- Lakhisarai

RAJ KUMAR SINGH, Son of Late Upendra Singh, Resident of Village -
Gadh Lakshampur, P.S.- Barahiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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 Barahiya P.S. Case No. 180 of 2021 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2021.

As per prosecution case, police received secret
information that illicit liquor was kept concealed in a bamboo
clump near the house of one Shambhu Singh. A raid was
conducted and 252 liters of India made foreign liquor was
recovered. The police came to know through its informer that
the said liquor belonged to this petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on suspicion. The petitioner was neither apprehended from the spot nor anything incriminating has been recovered from his conscious possession. The petitioner has been named in this case in most absurd manner. Charge sheet has been submitted in this case and the petitioner is in custody since 06.07.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent.

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 Additional District and Sessions Judge-IV-cum-Special Excise Court-1, Lakhisarai in connection with Barahiya P.S. Case No. 180 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)

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