

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67352 of 2021**

Arising Out of PS. Case No.-537 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Raja Kumar Son of Vijay Singh @ Vijay Kumar Singh Resident of Village -
Chhota Telpa (Rawal Tola), P.s.- Chapra Town, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Bhagwan Bazar P.S. Case No.537 of 2021 instituted under
Sections 414 of the Indian Penal Code and Sections 30(a), 37(c)
of the Bihar Prohibition and Excise Act, 2018.

As per the FIR, it was the petitioner who was driving
the car from which altogether 353.400 liters of foreign liquor
has been recovered/seized.

Learned counsel for the petitioner submits that he was
not the owner of the car and had no inkling of the materials that



are being transported in it, upon seeing the police in a panic he tried to fled away and was apprehended. He does not carry criminal antecedent and is in jail since 07.11.2021 (as stated in para-11 of the bail application).

Considering the fact that charge sheet has been submitted, the petitioner claim to have no criminal antecedent and he is in jail since 07.11.2021, this Court is inclined to grant him to privilege of bail. However, it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Bhagwan Bazar P.S. Case No.537 of 2021 to the satisfaction of learned Second Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;



(iii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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