

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56832 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

Anil Singh @ Anil Kumar Singh, Son of Late Janakdeo Singh, R/O Plot No. 162, Cooperative Colony, Bokaro Steel City, P.S.- Bokaro Steel City, District- Bokaro(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
APP 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 Industrial Area P.S. Case No. 68 of 2022
registered for the alleged offences under Sections 420, 465, 467,
468 and 471 of the Indian Penal Code and Sections 30(a), 36
and 41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 4284 liters of
India made foreign liquor was made from a truck and co-
accused Sukhbir Singh was apprehended. The name of the
petitioner transpired during investigation as one of the co-



accused persons.

Learned senior counsel appearing on behalf of the petitioner submits that petitioner is the owner cum partner of Shree Om Bottlers and Blenders Private Limited incorporated under the Companies Act and it has been doing work of bottling of liquor in the State of Jharkhand where there is no prohibition. The petitioner is neither the owner of the truck nor his name was taken by the apprehended co-accused persons. He has been named in this case merely because of ownership of the bottling plant. The petitioner has further no concern with the mobile number mentioned in the F.I.R. as he is not the owner or the user of the any of the numbers. Now, the petitioner has resigned from the company on 01.04.2021 under Section 168 of the Companies Act but even after his resignation, he is being made accused in a number of cases. Learned senior counsel further submits that the petitioner was neither apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 26.07.2022. The petitioner is on bail in most of the cases and the orders have been annexed at Annexure 3/1. The co-accused Jagdish Teli has been granted bail vide order dated 15.11.2021 passed in Cr.



Misc. No. 59978 of 2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and is accused in a number of similar cases.

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 Exclusive Special Excise Court No. 1-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 68 of 2022, 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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