

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71425 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- BHAGWANPUR District- Vaishali

SAKESH KUMAR @ SAKET SINGH Son of Ratnesh Prasad Singh @
Ratneshwar Prasad Singh R/o village - Jagdish Kamtaul, P.S. Kudhani,
District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Namrata Mishra, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Bhagwanpur P.S. Case No. 13 of 2020 for the offences
under Section 414 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

The allegation in the FIR is that upon information, the
police raided a truck parked on NH-22 and recovered/seized
3336.645 liters IMFL. On further enquiry, it came to the
knowledge of the police that the same was brought by accused
persons namely, Dilip Kumar, Ranjit Kumar, Sanjiv Kumar,
Ranjan Pandit, Sachin Singh and Sakesh Kumar @ Saket Singh



(the petitioner herein).

Learned counsel for the petitioner submits that he was not arrested from the spot nor anything was recovered from his conscious possession rather the police has implicated him only because he has criminal antecedent.

Considering the fact that the petitioner was not arrested on the spot and his name has cropped up as one of the person for whom the consignment has arrived, as also the fact that the other similarly situated named accused persons in the FIR have since been granted bail by a co-ordinate Bench of this Court (as reflects from Annexure-2 series) passed in Cr. Misc. No. 40430 of 2020 dated 26.03.2021 (Dilip Kumar), Cr. Misc. No. 41440 of 2021 dated 22.10.2021 (Ranjan Pandit @ Ranjan Kumar Pandit) and Cr. Misc. Misc. No. 41456 of 2021 dated 22.10.2021 (Ranjeet Kumar @ Ranjeet Ray, this Court is inclined to grant him the privilege of bail but with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 13 of 2020, subject to the 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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