

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71294 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- BARHIYA District- Lakhisarai

Ramesh Kumar, S/o- Bipin Kumar Singh @ Umesh Prasad Singh @ Umesh
Sharma, R/o- Baikatpur, P.S. - Khushrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Kumar, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 22-02-2022 The applicant has claimed out of turn hearing as he is a soldier in Indian Army and because of his pretrial detention, the departmental proceedings are being initiated against him which may be culminated into an adverse order without hearing the applicant.

The applicant is accused in Crime No. 272 of 2021 registered with Barahiya Police Station for the offences punishable under Sections 30(a) and 32(iii) of the Bihar Prohibition and Excise Act, 2018, by this application is seeking his release on bail after filing of the charge sheet.

Heard both sides.

The learned counsel for the applicant drew my attention to the leave application and the order thereon granting him a months leave and argued that being a soldier in



the Indian Army, the applicant is posted at Baraeli. At the relevant time he was on leave and he was not aware as to what was being transported in the truck owned by his father. It is further argued that the applicant is not having any criminal antecedent so far as the offence under the Bihar Prohibition and Excise Act is concerned.

The learned Prosecutor opposed the application by filing the counter affidavit and argued that the applicant had boarded the truck from the start of journey of the truck and he is the son of the owner of the said truck. The driver of the truck was his own brother and for misleading the police, his brother Rajesh Kumar as well as the applicant have stated different name of their father.

I have considered the submissions so advanced and also perused the material placed before me.

It is not pointed out that the applicant has any criminal antecedent so far as under the Bihar Prohibition and Excise Act is concerned. Indisputably the applicant is working as a soldier in Indian Army.

According to the prosecution case, on the basis of secret information a truck came to be intercepted and three persons came to be arrested. The truck was found to be



containing 1004 litres of Indian made foreign liquor.

Investigation of the subject crime is over. Charge sheet has been filed. The applicant has already undergone pretrial detention from the date of registration of the FIR against him. Hence I see no reason to refuse bail to the applicant and therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 272 of 2021 registered with Barahiya Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat



commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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