

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1479 of 2022

Arising Out of PS. Case No.-350 Year-2019 Thana- BIDUPUR District- Vaishali

Rajesh Kumar Singh @ Rajesh Kumar, Son of Shivnath Singh, Resident of
Village- Sitalpur Kamalpur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Anuj Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bidupur P.S. Case No. 350 of 2019 for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, it is alleged that the police
on a secret information intercepted a Pick-Up van, bearing
registration no. BR06GD 4493, however, on seeing the police
party three persons named in the F.I.R. fled away. It is further
alleged that on search being made total 684.270 litres of foreign



liquor was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the name of the petitioner has been disclosed as owner of the Pick-Up van but the fact of the case is that the petitioner had no knowledge about the recovery of liquor from his vehicle, as the said Pick-Up van was handed over to the driver, which was being used to carry the articles on hire. It is also submitted that neither the petitioner was arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner, but only because of the fact that earlier his name was implicated in similar kind of cases, his name has also been implicated in the present case. It is next submitted that the petitioner is in custody since 03.08.2021, though the investigation of the crime has already been concluded and the charge-sheet has also been submitted and he is giving undertaking that he will fully co-operate in the trial.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged vehicle from where recovery has been made belongs to the petitioner and, as such, involvement of the petitioner cannot be ruled out.

Having considered the submissions made on behalf of



the parties and taking into consideration the fact that the petitioner is said to be the owner of the vehicle, in question, which was given to the driver and the same was being used on rent, apart from the fact that the petitioner is in custody since 03.08.2021 and moreover the investigation has already been completed and charge-sheet has been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 350 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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