

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7018 of 2023

Arising Out of PS. Case No.-485 Year-2022 Thana- TAJPUR District- Samastipur

RAJA KUMAR @ RAJA BABU, aged about 25 years, Gender, Male, SON
OF AVADHESH PRASAD SINGH R/O VILLAGE- HASANPUR SURAT,
P.S.- PATORY, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Tajpur (Halai O.P.) P.S. Case No. 485 of 2022 dated 17.10.2022
registered for the offence(s) punishable under Section(s)
272/273/34 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner was not
arrested at the spot of recovery of the wine, as per allegations,
two accused persons, namely, Nishu Kumar and Rohit kumar
are stated to have been arrested from a car from which 112.32
litres of illicit liquor is stated to have been recovered and



thereafter the police on the basis of information provided by the said arrested co-accused persons raided another place from which a truck and a pickup van were found and a huge recovery of wine was made from the said vehicles but at that place, the petitioner was not found and thereafter one arrested co-accused Amit Kumar disclosed to the police that petitioner along with co-accused Raja Babu played a role of liner in connection with the smuggling of the alleged wine and except this, there is no any other allegation against him. Further submissions are that co-accused persons Paras Nath Pandey, Nishu Kumar and Rohit Kumar have been granted bail by different co-ordinate Benches of this Court vide orders passed in Cr. Misc. Nos.68102 of 2022, 68110 of 2022 and 71126 of 2022 respectively and another co-accused Ganesh Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 10158 of 2023 and case of this petitioner stands on better footing from the said co-accused persons and he has been languishing in jail since 18.10.2022 and against him, there is criminal antecedent of one case which was lodged under the offence of the IPC and against the petitioner the investigation has been completed in the present matter.

4. Learned APP appearing for the State has opposed



the bail prayer.

5. Considering the above submissions and mainly the privilege of bail having been granted to above-mentioned co-accused persons and petitioner's case appears to be on better footing from some of the co-accused persons as he was not arrested at the spot of recovery and his name surfaced in the statement of co-accused Amit Kumar and against him, the investigation has been completed, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Tajpur (Halai O.P.) P.S. Case No. 485 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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