

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11953 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- SARAI RANJAN District- Samastipur

RAJA KUMAR @ RAJ KUMAR SINGH Son of Yogendra Prasad Singh R/v-
Chak Near Shiv Mandir, P.S.- Matihani, Dist- Begusarai At present vill- Ghat
Nawada, P.S.- Dalsingsarai, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sarairanjan P.S. Case No. 365 of 2022 registered for the offences punishable under Section 147,148, 149, 332, 307, 353, 504, 420, 467, 468, 471 of the IPC and Section 25(1-B)(a), 26, 27, 35 of the Arms Act and Section 30(a), 32(I), 32(2), 36,41(i), 45, 62 of the Bihar Prohibition and Excise (Amendment) Act,2022.

As per prosecution case, 1337.865 liter foreign wine was recovered from the truck and pickup van in question. It is further alleged that the illicit liquor was loaded on motorcycle and in godown of Sahil Enterprises from the said truck and



pickup van.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. During the course of investigation, in para 240 of the case diary, his name has been transpired in the present case as same is mentioned in impugned order. He further submits that petitioner is in custody since 05.01.2023 and bears one criminal antecedent which is not similar to the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act-2, Samastipur in connection with Sarairanjan P.S. Case No. 365 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife of the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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