

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15068 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- JOKIHAT District- Araria

Arshdeep Singh @ Billu Singh @ Sardar Jee Son of Paramjit Singh R/v-
Sahadar Gachh, Bara, P.S.- Funchy Deva, Fansideva District- Darjiling, W.B.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Jokihat (Mahalgaon) P.S. Case No. 346 of 2022 dated
30.06.2022 registered for the offences punishable under
Sections 272, 273 and 420 of the Indian Penal Code and
Sections 30(a), 32(1)(2), 36 and 41(1)(2) of Bihar Prohibition
and Excise Act.

3. The main submissions advanced by learned counsel
for the petitioner are that the instant matter relates to the
recovery of a total 1033.5 litres of country made foreign liquor
and the same is stated to have been recovered from a truck but
the petitioner was not apprehended at the spot of recovery from
the alleged truck and his name came into light in the disclosure
made by the apprehended driver of the alleged truck and
according to his confession/disclosure, this petitioner and other



co-accused persons indulged in supply of the alleged liquor to the co-accused persons in West Bengal where there is no prohibition on the sale and supply of liquor and considering the said aspect, the petitioner was granted bail in another case bearing Raghapur P.S. Case No. 249/2022 by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 11144/2023. Further submissions are that the petitioner has been languishing in jail since 15.12.2022 and in all the cases of his antecedent, he is not named in the FIR and he has been made accused in these cases merely on suspicion during investigation and the alleged liquor was not recovered from his conscious possession.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner was not apprehended at the spot and his name came into light in the statement of the arrested driver and as per the disclosure made by the said driver, the petitioner and co-accused persons indulged in supply of the alleged liquor in other states and three co-accused persons namely Kaushik Bagchi @ Kasik Bagchi, Mintu Das @ Khelta and Subhonil Bagchi @ Subho have been granted anticipatory bail by different co-ordinate Benches of this Court vide orders passed in Cr. Misc. Nos. 62025/2022 and 68234/2022, in my opinion a



lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner named-above be enlarged on bail, **after framing of charge**, 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 in connection with Jokihat (Mahalgaon) P.S. Case No. 346 of 2022, **on the following conditions:-**

(i) Both the bailors of the petitioner will be the local residents within the jurisdiction of the Trial Court, having sufficient immovable property to the satisfaction of the trial Court.

(ii) The trial Court will verify the criminal antecedent of the petitioner from the Director General of Police, West Bengal through Superintendent of Police, Araria. If any criminal antecedent, other than the cases mentioned in para no. 3 of this petition, of the petitioner is found then the trial Court will take serious action against him by cancelling his bail bond and also take serious action against the bailors as per the procedure of law.

(Shailendra Singh, J)

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