

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23838 of 2023

Arising Out of PS. Case No.-460 Year-2022 Thana- PHULPARAS District- Madhubani

Bijendra Singh Son of Hoshiyar Singh R/V- Sargthal (Sarakhthal) PS- Gohana,
Dist- Sonipat (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 21-04-2023 1. Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Phulparas P.S. Case No. 460 of 2022 dated 24.09.2022 registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code and Sections 30(a), 32(II)(III), 41(1) and 41(2) of Bihar Prohibition and Excise (Amendment) Act 2022.
4. The main submissions advanced by learned counsel for petitioner are that the petitioner was firstly arrested in Bhairavsthan P.S. Case No. 05 of 2023 and thereafter he was remanded in four other criminal cases, in the present matter he

was not apprehended at the spot of recovery of alleged wine which was made from a truck and co-accused Deepak, whose name was found in the RC book seized from the said truck, disclosed the name of this petitioner being involved in the smuggling of the alleged wine but except the statement of said co-accused there is no other material evidence against the petitioner. Further submissions are that against the petitioner there is no criminal case in Haryana State and he is not engaged in any business of liquor and he runs a business of plastic granules, infact co-accused Deepak had some dispute with this petitioner on account of same type of business as that of the petitioner and due to the said dispute he implicated this petitioner in the alleged crime. Further submission is that the petitioner is neither the owner nor driver of the alleged seized truck and he has been languishing in jail since 18.01.2023.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Considering the above submissions and mainly the facts that the petitioner was not apprehended at the spot of recovery of wine and as per above submission his name surfaced in the statement of apprehended co-accused with whom he had some dispute and also taking into account his custody period, in my

opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Phulparas P.S. Case No. 460 of 2022 **on the condition that both the bailors will be local residents within the jurisdiction of the trial Court having sufficient immovable property to the satisfaction of the Trial Court.**

(Shailendra Singh, J)

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