

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26122 of 2023

Arising Out of PS. Case No.-37 Year-2021 Thana- MATIHANI District- Begusarai

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Rohit Kumar @ Chhotu Singh @ Chhote @ Rohit Kumar Chhote Son of Ram
Anuj Singh @ Ramanuj Singh @ Ramnuj Singh R/V- Ramdiri Mahaji
Chaudhary Patti, PS- Matihani Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 16-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Matihani
P.S. Case No. 37 of 2021 dated 17.03.2021 registered for the
offences punishable under Sections 30(a) and 32 of Bihar
Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the instant matter relates to the recovery of
732.960 litres of Indian made foreign liquor and the same is stated
to have been recovered from a Bolero vehicle and two
motorcycles, but admittedly this petitioner was not apprehended at
the spot of recovery and as per allegation, ten to twelve persons
including this petitioner managed to escape from the place of
recovery and the names and details of the accused persons
including the petitioner were disclosed by local chaukidars and the

said source of identification is completely unreliable and unbelievable as the alleged wine was recovered in the dark night and petitioner has no concern with the seized vehicles. Further submissions are that several co-accused persons namely, Abhinav Kumar, Fekan Singh @ Krishna Murari and Ankit Kumar @ Ankit Raj carrying similar nature of allegation have been granted bail by different benches of this Court vide orders passed in Cr. Misc. No. 15786 of 2022, Cr. Misc. No. 64819 of 2021 and Cr. Misc. No. 37959 of 2021 respectively and co-accused Fekan Singh @ Krishna Murari against whom there are criminal antecedents of six cases is on bail and petitioner's case is completely identical to him in respect of the criminal antecedents and moreover, the petitioner has been languishing in jail since 04.02.2023 and against him the investigation has been completed.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the privilege of bail having been granted to co-accused persons mentioned above by different benches of this Court and petitioner's case being completely identical to the co-accused Fekan Singh @ Krishna Murari and as per allegation this petitioner was not apprehended at the spot of recovery and his name came into light in the disclosure made by police chaukidars and the completion of

investigation against the petitioner, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail 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 Matihani P.S. Case No. 37 of 2021, **on the following conditions that:**

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

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

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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