

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29305 of 2023

Arising Out of PS. Case No.-7 Year-2020 Thana- TAJPUR District- Samastipur

HARISHCHANDRA SINGH @ VIDHAYAK (Male) aged about 34 years,
son of VISHNUDEV SINGH @ BISHUN SINGH RESIDENT OF
VILLAGE FATEHPUR PS MUSRIGHARARI DISTT SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
Mr. Shyam Kishore, Advocate
For the Opposite Party/s : Mr.Binod Kumar No.3, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 18-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Tajpur P.S. Case No. 07 of 2020 dated 06.01.2020 registered for
the offence(s) punishable under Section(s) 30(a), 41(1), 41(2) of
the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 172.8 litres of foreign liquor and the same is
stated to have been recovered from a car and as per
prosecution's allegation, two co-accused persons, namely,
Kamlesh Kumar and Raja Kumar were apprehended from the
alleged car from which the alleged liquor was recovered and



said Kamlesh Kumar disclosed that he received the alleged liquor from this petitioner with a direction to deliver it to other co-accused persons but the said statement made by the co-accused has no evidentiary value and except the said statement, there is no any material against this petitioner to connect him to the alleged smuggling of liquor and moreover, petitioner was not arrested at the spot of recovery and the alleged liquor was not recovered from his conscious possession and he has been dragged in this case merely on the statement of driver of the said car from which the alleged liquor was recovered. Further submissions are that though against the petitioner, there are criminal antecedents of seven cases but he has got bail in most of the said cases of his antecedents and neither the alleged vehicle nor the alleged liquor belongs to this petitioner and he has been languishing in jail since 25.03.2023 and against him, the investigation has been completed.

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the



petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed** in connection with Tajpur P.S. Case No. 07 of 2020 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)

Sanjay/-

U		T	
---	--	---	--

