

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35422 of 2023

Arising Out of PS. Case No.-311 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAJ KUMAR SINGH @ RAJ KUMAR SAH Son of Rambilash Singh @
Rambilas Sah @ Ramvilash Sah Resident of village-Kharidi Rampur, Police
Station-Matihani and District-Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard the parties.

The petitioner seeks bail in connection with Cheria
Bariyarpur (Manjhaul) P.S. Case No. 311/2022 registered for the
offences punishable under Sections 188, 290 and 120(B) of the
Indian Penal Code and Sections 30(a), 32(ii) (iii), 36, 41 (i) (ii)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 1440.825 liters foreign liquor from truck in question.
Apprehended co-accused Ram Kumar disclosed the name of
petitioner and others who are involved in business of illicit
liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 08.04.2023 and bears criminal antecedent of two cases of similar nature. He further submits that petitioner has neither concerned with seized liquor nor concerned with the seized vehicle in question and there is no compliance of Section 100 Cr. P.C. Co-accused persons Omkar Singh @ Onkar @ Omkar Panwar and Munna Singh have already been granted bail by different co-ordinate Benches of this court as mentioned at Annexure2 Series of the bail petition and the case of present petitioner stands more or less on similar footing.

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

Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail, 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 **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Begusarai in connection with Cheria Bariyarpur (Manjhaul) P.S.



Case No. 311/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or 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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