

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36937 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- BALIGAON District- Vaishali

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Rupesh Singh @ Rupesh Kumar Son Of Binda Singh @ Binda Prasad Singh,
Resident Of Village- Kanhauli Dhanraj, P.S. - Mahua, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 414 of I.P.C. and Sections 30 (a), 32 and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, altogether 390.96 litre of foreign liquor has been recovered from 6 motorcycles and three persons were apprehended who disclosed the name of the petitioner as associate of gang.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that antecedent of the petitioner is clean and he has been falsely implicated in this case. Counsel further submits that

the name of the petitioner has figured in this case by virtue of confessional statement. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Counsel further submits that similarly situated persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 16.03.2023 passed in Cr. Misc. No. 2486 of 2023 and other cases which are annexed as Annexure-2 series.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. Upon perusal of orders passed by the Co-ordinate Bench of this Court, it transpires that said anticipatory bail was granted by virtue of depositing Rs. 20,000/- in the Patna High Court Legal Services Committee, Patna.

7. Accordingly, the petitioner is also agreed to deposit a sum of Rs. 20,000/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC-PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

8. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a

period of six weeks from today, on furnishing bail bond to the satisfaction of learned Exclusive Special Excise Court No.1-cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 119 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Dr. Anshuman, J.)

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