

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49131 of 2023**

Arising Out of PS. Case No.-180 Year-2019 Thana- BARURAJ District- Muzaffarpur

RAHUL SINGH @ RAHUL KUMAR SON OF MAHESH SINGH R/O-
MAHAMADPUR BALMI, P.S.-MOTIPUR, DISTT.-MUZAFFARPUR,
BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra, Adv.

For the Opposite Party/s : Mr.Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 29-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Baruraj P.S. Case No. 180 of 2019 registered for the offence
under Sections 414 of the Indian Penal Code and 30(a) of the
Bihar Prohibition and Excise Act.

Recovery is of altogether 3251.70 liters of foreign
liquor.

Earlier the petitioner has been granted
anticipatory bail vide order dated 16.12.2022 passed in Cr.
Misc. No. 67295 of 2022 but the petitioner has not complied
with the conditions as stipulated in the aforesaid order and,
therefore, he could not surrender before the court below and



he has been taken into custody by the police.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the different vehicles in question. He further submits that the petitioner has no concern at with the alleged recovery and the vehicle nor he has been arrested from the spot. Moreover, co-accused, Sumit Kumar, Abhay Rathore and Lallan Singh have already been granted bail by a co-ordinate Bench of this Court vide order dated 18.10.2019 and 15.11.2019 passed in Cr. Misc. No. 64836 of 2019 and Cr. Misc. No. 70909 of 2019 and other co-accused persons, namely, Shashi Kumar, Pawan Kumar, Ram Parwesh Bhagat and Bhola Singh have been granted bail vide dated 13.11.2019 passed in Cr. Misc. No. 69508 of 2019. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The



petitioner is rotting in judicial custody since 27.06.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 2, Muzaffarpur in connection with Baruraj P.S. Case No. 180 of 2019 with the following conditions:-

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

(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 bail.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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