

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54998 of 2023**

Arising Out of PS. Case No.-59 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

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ARUN KUMAR SINGH SON OF RAMCHANDRA SINGH RESIDENT OF  
VILLAGE - JOGIYA, P.S. - LADANIYA, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ramchandra Jha Raman, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      25-08-2023

Heard the parties.

The petitioner is an accused in connection with Bhairvasthan P.S. Case No. 59 of 2023 corresponding to G.R. No. 344 of 2023 registered for the offences under sections 272, 273, 414 of the Indian Penal Code and sections 30(a) and 41 of the Bihar Prohibition and Excise Act lodged on 14.05.2023 by the informant, Vasistha Kumar Mahto.

As per the prosecution story, the police intercepted one ‘*Scorpio*’ coming from Phulparas to Darbhanga and recovered/seized 701.640 litres nepali wine, the driver gave his name as Arun Kumar Singh, the petitioner herein. Another ‘*Scorpio*’ was intercepted later and one Vijay Chaupal was arrested and 648 litres nepali country made wine was recovered/seized. Accordingly, the FIR.



It is the case of the petitioner that he being the driver had no knowledge that between the goods that has been loaded in the vehicle, the wine is present. He has already suffered by being in custody since 15.05.2023 (as stated in paragraph 12 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that nothing has been recovered from his conscious possession, it was with the goods loaded in the '*Scorpio*' and has remained in custody since 15.05.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Bhairasthan P.S. Case No. 59 of 2023 corresponding to G.R. No. 344 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Neha/-

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