

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58444 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- BALIGAON District- Vaishali

ANIL SINGH @ ANIL KUMAR SINGH LATE JANAKDEO SINGH
Resident of Plot No.- 162, Cooperative Colony, Bokaro Steel City, P.S.-
Bokaro Steel City, District- Bokaro (Jharkhand) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Baligaon PS case no. 43 of 2022 instituted for the offences punishable under Sections 420 and other allied sections of the Indian Penal Code and Sections 30(a), 32(ii), 36, 41(i) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 4493.52 liters of Indian made foreign liquor from a truck and a Swift Desire car, whereafter four accused persons were arrested from the spot, who are stated to be drivers and their associates. It is alleged that during the course of investigation, it has transpired that labels affixed on the liquor bottles belong to a local brand, being bottled in the plant of the



company owned by the petitioner and other Director namely Shree Om Bottlers & Blenders Private Limited, Bokaro in the State of Jharkhand.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 26.07.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in 10 other cases but he is on bail in all the said cases. It is next submitted that the petitioner is the owner of a Bottling Plant situated in the State of Jharkhand and is having a valid licence for selling liquor, however, he has been made an accused in the present case merely on the basis that the labels affixed on the liquor bottles, seized by the police are similar to the one affixed on the bottles being bottled in the Plant of the Company of the petitioner, hence, it is submitted that the allegation levelled against the petitioner is not only hypothetical but also absurd. It is also submitted that a co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 18.11.2022, passed in Cr. Misc. no. 55103 of 2022. Lastly, it is submitted that neither the petitioner has been apprehended from the spot nor any recovery of illicit liquor has been made and he is languishing



in custody without any reason since 26.07.2022.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Court no. 1-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Baligaon PS case no. 43 of 2022.

(Mohit Kumar Shah, J)

rinkee/-

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

