

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59284 of 2022**

Arising Out of PS. Case No.-125 Year-2022 Thana- SAMSTIPUR RAIL P.S District-  
Samastipur

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Sandeep Kumar Singh Son of Tarkeshwar Singh R/O Village- Ataur, P.S.-  
Khaira, District- Chapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      04-01-2023              Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks from today.

Heard Mr. Dharendra Kumar, learned counsel for the  
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Samastipur Rail P.S. Case No. 125 of 2022,  
registered for the offences punishable under Section 30 (a) of  
the Bihar Prohibition and Excise (Amendment) Act, 2018 .

As per prosecution case, it is alleged that in course of  
search of illicit liquor in train and platform, the police  
apprehend the petitioner and on search total 17.64 liters of  
Indian made foreign liquor was recovered from the bag.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the bag nor he has ever been found involved in any such kind of crime earlier. He further submits that the petitioner was engaged in cleaning work in railway on contract basis, however, on account of some altercation which took place between the police and the petitioner, he has been falsely implicated in this case. He next submits that there is complete defiance of Section 100 of Cr.P.C. as well as Section 81 and 82 of the Bihar Prohibition and Excise Act, 2016, apart from other infirmities. He lastly submits that the petitioner having fair antecedent, is in custody since 29.07.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was caught red-handed with the incriminating illicit wine.

Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner and the fact that the investigation of the crime is already complete and the charge-sheet has been submitted, apart from other infirmities in the preparation of seizure list, let the petitioner, named above, be released on bail on furnishing bail



bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-cum- Special Excise Court-2, Samastipur, in connection with Samastipur Rail P.S. Case No. 125 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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