

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68241 of 2022**

Arising Out of PS. Case No.-143 Year-2021 Thana- SANGRAMPUR District- Munger

HITESH KUMAR SINGH @ HEMKANT SINGH @ RITESH KUMAR SINGH @ RITESH SINGH, Son of Late Shashi Bhushan Singh, R/V- Rampurdih, P.S.- Bishanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Ms.Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 10-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The petitioner seeks bail in connection with Sangrampur (Tetia Bamber) P.S. Case No. 143 of 2021 registered for the offence punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The petitioner is alleged to be engaged in illegal trading/manufacturing of illicit liquor. There is recovery of 4317.480 litres of Indian made foreign liquor from the alleged vehicle.

Learned counsel for the petitioner submits that recovery of illicit liquor was made from the alleged truck, which was parked on



the land belongs to one Shabir. It is also submitted that the alleged truck is not connected in any manner with petitioner as registration certificate of the truck/alleged vehicle is in name of one Md. Rizwan Ahmad. The petitioner has been involved in the present case on the basis of false input, allegedly provided by secret information, only due to his antecedents (six cases). He is on bail in all the earlier cases. Moreover, investigation is also complete and chargesheet has been submitted and, as such, there is no chance of tampering with the evidence. Recovery is denied and disputed and is stated to be not in accordance with law. Co-accused persons namely Raju Yadav and Uday Kumar Singh have been allowed bail in *Cr. Misc. Nos. 38810 of 2022* and *41687 of 2022*, respectively. He is in custody since 30.06.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, period of custody, claim based on parity, and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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-II, Munger, in connection with Sangrampur (Tetia Bamber) P. S. Case No. 143 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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