

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67191 of 2022**

Arising Out of PS. Case No.-677 Year-2020 Thana- SASARAM NAGAR District- Rohtas

ARBIND SINGH @ ARVIND KUMAR SINGH, S/O HANUMAN SINGH,
Resident of Village- Sonadih, P.S.- Karaghar, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaubey, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sasaram (Town) P.S. Case No. 677 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 4406 litres illicit liquor from a truck. The driver of the truck has stated that the person, at whose behest the truck was transporting illicit liquor, namely Bablu Yadav, had met him with the petitioner, when they had come together in a vehicle, some time earlier.

Learned counsel for the petitioner submits that based on such statement of the co-accused, the petitioner, who is having no antecedents, is in custody since 29.08.2022. The prosecution case, even if taken as it is, does not incriminate the petitioner, as the only allegation is that some time in the way, petitioner along with Bablu Yadav had met the truck driver. The petitioner has no concern or knowledge about the illicit liquor being transported. Co-accused Bikash Kumar and Anr. have been allowed bail in *Cr. Misc. No.*



20062 of 2021. Moreover, investigation is also complete. Recovery is denied and disputed and is stated to be not in accordance with law.

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

Considering the rival submissions, the fact that no recovery is alleged from the petitioner, his clean antecedent and period of custody, 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 Excise Court No. 2 -cum- Additional District & Sessions Judge, Rohtas at Sasaram, in connection with Sasaram (Town) P. S. Case No. 677 of 2020, 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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