

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67394 of 2022**

Arising Out of PS. Case No.-7 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

RAKESH KUMAR SINGH @ RAKESH KUMAR S/O Anugrah Narayan
Singh R/O Village- Ward No-3, Wazirganj, P.S- Sasaram (M), District- Rohtas
at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr Nand Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-02-2023

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for the
State of Bihar.

The petitioner seeks bail in Sasaram (M) Police Station
(for brevity, **PS**) Case No 7 of 2020 dated 06.01.2020 registered for
the offence punishable under Section 30 (a) of Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, five vehicles of different
descriptions, including truck, pick up van, tempo and cars were
found at an open place, from which there is recovery of 8586.72
liters of illicit liquor. Petitioner's implication is based on secret
information that six persons, including the petitioner, were the
consignees of the illicit liquor.

Learned counsel submits that, even as per prosecution
case, recovery is from an open place. Other than alleged secret
information, there is no material to connect the petitioner with
recovery. His implication is by the police based on his antecedents in
8 cases, as per disclosure made in paragraph 3 of the petition. In the



instant case, he is stated to be in custody since 22.07.2022 upon his remand from Sasaram (M) PS Case No 120 of 2021. Investigation of the case is also complete. Co-accused Sudhir Kumar Paswan @ GHIU @ Sudhir Kumar has been granted anticipatory bail by this Court by order dated 18.02.2022 passed in Cr Misc No 52823 of 2021 (Annexure 2). Co-accused, namely Ranjan Choudhary, Sanjay Choudhary, Somaru Choudhary and Ankit Choudhary have also been granted bail by the Court below (Annexure 3).

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, period of custody 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 is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No II -cum- Additional Sessions Judge, Rohtas at Sasaram in Sasaram (M) PS Case No 7 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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