

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73557 of 2023

Arising Out of PS. Case No.-130 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAJDEO SINGH SON OF JAWAHAR SINGH @ JAWAHAR MAHTO R/O
VILLAGE- SANGRAMPUR, P.S.- MUFASSIL, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad
For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-12-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Mufassil P.S. Case No. 130/2021 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition

and Excise Act, 2018.

As per prosecution case, 4697.52 litre foreign

liquor was recovered from truck in question. Co-accused

persons namely Ganesh Sah and Santosh Kumar

apprehended on spot. The co-accused persons further

disclosed the name of the petitioner and others who were

engaged in trading of illicit liquor.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner is not apprehended on spot. The name of the petitioner has been transpired in this present case on disclosure of apprehended co-accused persons namely Ganesh Sah and Santosh Kumar. Except discourse of co-accused persons, there is nothing on record to connect the present petitioner with the alleged occurrence. It is further submitted that petitioner is neither owner nor driver of the vehicle in question. Seizure list has not been made as per law. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner bears petitioner bears criminal antecedent of one case in which he is on bail. Petitioner is in custody since 27.07.2023. it is further submitted that co-accused Ganesh Sah and Santosh Kumar who were apprehended on spot has already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 37679/2021 and 38515/2021 respectively. Case of present petitioner stands on better footing as he is not apprehended on spot.



The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, co-accused persons have already been granted bail by co-ordinate bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1st, Samastipur in connection with Mufassil P.S. Case No. 130/2021 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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