

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74170 of 2022

Arising Out of PS. Case No.-234 Year-2022 Thana- BARUN District- Aurangabad

RAHUL SINGH @ RAHUL KUMAR SINGH S/O SANTOSH SINGH
Resident of Village- Jamua, P.S.- Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

The petitioner apprehends his arrest in connection with Barun P.S. Case No.234 of 2022 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police upon information that a four wheeler is transporting liquor escorted by motorcycles and accordingly intercepted motorcycles and apprehended one Indrajeet Kumar Singh who informed that a Sumo is coming from behind. The same was intercepted and 1582.200 liters of countrymade liquor was recovered/seized. As per the confession of the accused persons the same was intended to be delivered to Lalan Yadav and was sent by the present



petitioner, Rahul Singh. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that petitioner has been implicated in this case on the basis of confessional statement of co-accused Amar Kumar which is not evidentiary value in the eye of law. The vehicle seized in the case does not belong to him. The alleged recovery of illegal country made liquor was not recovered from the conscious possession of the petitioner. Further submission is that irrespective of the outcome of the present petition, the petitioner intends to deposit Rs.50,000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that the name has come in the confessional statement, the vehicles seized does not belong to him nor anything has been recovered from his conscious possession and ultimately he will have to face the trial, this Court is inclined to grant him privilege of bail subject to payment of Rs.50,000/- as stated above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) each with two sureties of the like amount each in connection with Barun P.S. Case No.234 of 2022 to the satisfaction of learned Special Judge, Excise Court No.01, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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