

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33096 of 2024

Arising Out of PS. Case No.-117 Year-2021 Thana- GANGABRIDGE District- Vaishali

Rajeev Kumar Son of Kailash Singh @ Bhuttu Singh Resident of Village-
Sahdullahpur, P.S.- Ganga Bridge, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-05-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Ganga Bridge P.S. Case No. 117 of 2021 registered for

the offences under Sections 30 (a), 32 (ii), 38 (i) and 41

(i) of the Bihar Prohibition and Excise Act.

3. The petitioner is named in the F.I.R. and is

in custody since 28.03.2024.

4. The allegation against the petitioner is to

involve in illegal business of illicit liquor, where 1492.80

liters of foreign liquor was recovered from a truck,



164.160 liters of foreign liquor was recovered from Tata Sumo Gold and 2800.050 liters of foreign liquor was recovered from a pick-up van.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither connected with the alleged illicit liquor nor with the vehicle in issue, which was used to transport the alleged liquor. It is submitted that petitioner found involved in nine cases of similar nature out of local police atrocities, his name is involved with the present case also through disclosure made by co-accused Binod Kumar, who is already on bail through Cr. Misc. No. 64172 of 2021 vide order dated 01.08.2022. It is further submitted that seizure list appears disputed not being supported by independent witnesses.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly submitted the recovery was not made from the conscious physical possession of this petitioner.



7. In view of the facts and circumstances as mentioned above as nothing recovered from the conscious physical possession of this petitioner, coupled with the fact as petitioner is in custody since 28.03.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Ganga Bridge P.S. Case No. 117 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court No. 1-cum- Additional District and Session Judge, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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