

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60345 of 2024

Arising Out of PS. Case No.-461 Year-2023 Thana- BUXAR District- Buxar

Rakesh Singh @ Rakesh Kuamr Singh S/O Late Vijay Bahadur Singh R/O
Village- Pipara Kalan, P.S- Narhi, Distt.- Ballia (UTTAR Pradesh).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Buxar (Town) P.S. Case No. 461 of 2023, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

03. As per prosecution case, police received secret information about the co-accused, Sajid Ansari, bringing the illicit liquor on his E-Rikshaw and the said E-Rikshaw was intercepted and the petitioner and co-accused were apprehended from that E-Rikshaw. On search of the said E-Rikshaw, recovery of total 57.240 liters of India made foreign liquor was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The name of petitioner has been dragged in this case only on the basis of the fact that he was traveling in the E-Rikshaw of the co-accused and the petitioner has no idea what was being carried out by the co-accused. Moreover, co-accused-Md. Sajid Ansari @ Sajid Ansari has been granted bail by this Court vide order dated 09.11.2023 passed in Criminal Misc. No. 71266 of 2023. The petitioner has no concern with the allegedly recovered illicit liquor. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner is in custody since 28.08.2023 and charge sheet has been submitted. The petitioner is having criminal antecedent of altogether eight cases registered in Uttar Pradesh and he is on bail in all such cases.

05. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner is a habitual offender and he is having criminal antecedent of similar nature.

06. Having regard to the facts and circumstances and submissions made hereinabove and further considering the period of custody of the petitioner along with submission of charge-sheet, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties



of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-1, Buxar, in connection with Buxar (Town) P.S. Case No. 461 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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