

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70363 of 2024

Arising Out of PS. Case No.-306 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Rupak Singh @ Rupak Kumar @ Singh Son of Jathu Singh @ Ramanand Singh R/o Village- Paspura, Ward No. 17, P.S.- Muffasil, Distt.- Begusarai
 2. Raja Singh Son of Parshuram Singh R/o Village- Paspura, Ward No. 17, P.S.- Muffasil, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Khushi Awadh
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. Learned counsel for the petitioners seeks permission to
withdraw this application as against the petitioner no.2, as he
has been arrested by the police during the pendency of the bail
application.

3. Permission is granted.

4. Accordingly, this application as against the petitioner no.2
is dismissed as withdrawn.

5. Now, this application is being heard only with regard to
the petitioner no.1.

6. The petitioner no.1 apprehends his arrest in a case



registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Act, 2016.

7. Altogether 77.625 liters of foreign liquor is said to have been recovered from the place of occurrence. The allegation against the petitioner is that after seeing the police, he fled away from the spot.

8. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of secret information. Petitioner has no concern with the place of recovery. Petitioner no.1 has two criminal antecedents in similar nature of offence.

9. Petitioner no.1 is agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

10. Having regard to the facts and circumstances of the case,



let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Muffasil P.S. Case No.306 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

11. The bail bond of the petitioner no.1 shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Mahavir Cancer Sansthan.



12. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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