

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85361 of 2024

Arising Out of PS. Case No.-326 Year-2024 Thana- KALYANPUR District- East Champaran

Raju Singh @ Raju Kumar Singh son of Mishri Singh village- Parsauni
Lakshmipur, Ps- Kalyanpur, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akshay Tripathi, Adv. Mr. Abhishek Kumar, Adv.
For the Opposite Party/s :		Ms.Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No. 326 of 2024 registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, the police has recovered 1140.480 litres of English liquor from the Pick-up bearing Regd. No. BR-06-GC-4691 and WagonR bearing Regd. No. BR-1-AV-6716.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner as the petitioner was not apprehended on the spot. The name of the petitioner has surfaced this case on the basis of the statement made by the apprehended co-accused Saroj Kumar Singh who is the neighbour of the petitioner and, due to previous enmity, he has falsely implicated the petitioner in the present case. The petitioner has no concern with the alleged recovery of the illicit liquor. The petitioner is neither owner nor driver of any of the vehicles i.e. the Pick-up van and the WagonR car. There is a non-compliance of Section 100 of the Cr.P.C. / 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents.

5. Learned counsel for the petitioner again submits that the co-accused namely Saroj Kumar Singh has been granted bail by this Court vide order dated 11.12.2024 passed in Cr. Misc. No. 84602 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-



named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 326 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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