

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60385 of 2017

Arising Out of PS.Case No. -55 Year- 2017 Thana -JHAJHA RAIL P.S. District- LAKHISARAI

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1. Vishal Kumar @ Rahul Kumar S/o Om Prakash Sao, R/o Vill.- Kabiya Road, in front of Somar Sao Market, P.S. & Distt.- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jainendra Kumar

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2017 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Rail Jhajha PS case no. 55 of 2017 instituted for the offences punishable under Section 30(a), 38(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is regarding recovery of 120 ltrs. of liquor from the possession of the petitioner on being apprehended by the police.

The learned counsel for the petitioner submits that though he was granted bail in the present case by the learned trial court, his bail bond has been cancelled as one of the condition in the said bail order was that if he is made accused in similar



case, his bail bond would be cancelled and subsequently, he has been implicated in one another similar type of case and that too supposedly on the basis of confessional statement of co-accused. It is further submitted that the recovered quantity of illicit liquor is too trivial and the petitioner has been duly punished since he is languishing in custody since 10.10.2017.

Considering the nature of the allegation and the period of custody undergone, I deem it fit and appropriate to direct for the release of the petitioner on regular bail on furnishing bail bond of Rs. 50,000/- (Rs. Fifty thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge II-cum-Special Judge (Excise), Lakhisara in connection with Rail Jhajha PS case no. 55 of 2017. It is further directed that the petitioner should appear before the learned trial court on the date fixed and on two consecutive defaults, the present privilege of bail will stand cancelled and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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