

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49051 of 2017**

Arising Out of PS.Case No. -389 Year- 2017 Thana -BEGUSARAI TOWN District- BEGUSARAI  
=====

1. Rakesh Kumar, Son of Nand Kishore Sinha, Resident of Mohalla- Baghi,  
Ward No.11, P.S.- Town, (Lohiya Nagar), District- Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s  
=====

**Appearance :**

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Sri Ramchandra Sahani  
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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      13-10-2017                      Heard the parties.

The petitioner seeks regular bail in connection with  
Town P.S.Case No.389 of 2017 registered for offences punishable  
under Sections 30(a) and 62 of the Bihar Prohibition and Excise  
Act, 2016.

Allegation against the petitioner is about recovery of  
115 ltrs. of liquor from the house of the petitioner, however,  
submission of the learned counsel for the petitioner is that several  
tenants are living in that house as such it can not be said that the  
recovery is from the conscious possession of the petitioner and he  
has no criminal antecedent. The petitioner is in custody for about 1  
½ months.

Heard learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail 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 Addl. Sessions Judge -VIIth-cum-Special Judge, Bihar Prohibition and Excise Act, 2016, Begusarai in connection with Town P.S.Case No.389 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.
- (iv) If his active participation is found in such type of cases in future, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

**(Vinod Kumar Sinha, J)**

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