

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22986 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

Rakesh Kumar @ Rakesh Sah, Son of Ram Pravesh Sah, Resident of Village-
Mahmadpur Gong P.O.-Birihima Bazar, P.S.-Baruraj, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
offences punishable under Sections 30 (a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

Though there is recovery of huge quantity of foreign
liquor from a Container vehicle which belongs to co-accused
Suresh Kumar, it is contented on behalf of the petitioner that he
has been apprehended only on the basis of suspicion as
allegedly he was found standing besides the said container when



the police party reached there and seeing the police party, several persons escaped. He has also named as one of them. It is further contended that though it is stated in the police report that accused nos. 1 to 4 are involved in trade of illicit liquor but there is nothing on record to show as to how the raiding party has reached to such conclusion. To the contrary, the petitioner claims that he is having clean antecedent and he has unnecessarily been kept in jail custody since 21.03.2018.

Having regard to the facts and the circumstances of the case, the abovenamed petitioner is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions judge-cum-Special Judge, Excise, Muzaffarpur in connection with Muzaffarpur Excise P.S. Case No. 05/2018.

Further, if the petitioner, after his release in this case, is again found to be involved in similar nature of case then the court concerned would be at liberty to take steps for cancellation of his bail bond.

However, before accepting the bail bond, the court below would make verification regarding criminal antecedent of the petitioner and if he is found to be involved in any criminal



case prior to filing of this application, i.e. 10.04.2018, then he would not be released.

(Dr. Ravi Ranjan, J)

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