

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1666 of 2019

Arising Out of PS. Case No.-72 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Rupesh Kumar, son of Bijay Prasad Yadav, Resident of Araria. Balaha. P.S-
Parbatta. Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Opposite Party/s : Smt. Anita Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-02-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Excise Case No. 72C2 of 2018 registered for
the offences punishable under Sections 30(a), 32 and 41 of the
Bihar Prohibition and Excise Act, 2016.

Allegation is recovery of 150 liters of country
made liquor from the dickey of the motorcycle of the petitioner.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been
falsely implicated in this case. Nothing was recovered from the



possession of the petitioner. Similarly placed co-accused has been granted bail by co-ordinate bench of this court vide order dated 15.01.2019 passed in Cr. Misc. No. 80512 of 2018. Petitioner has no criminal antecedent and is in custody since 01.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge-II, Excise, Lakhisarai, in connection with Excise Case No. 72C2 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature



of offences, after his release on bail the trial court shall
take steps to cancel his bail bonds.

(S. Kumar, J)

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