

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76542 of 2019

Arising Out of PS. Case No.-493 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

Rakesh Kumar Patel S/o Dular Singh, Resident of Gawi Muhalla Bhabua,
P.S.- Bhabua, District- Kaimur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhabua P.S. Case No. 493 of 2019 registered for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Sections 379, 411 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is no way concern with seized wine and scooty, he has been implicated in this case only on suspicion. It is further submitted that since petitioner was implicated in two more cases only on suspicion he has been implicated in the present case. The petitioner is in custody since 16.10.2019.

Learned A.P.P. for the State has opposed the prayer for



bail.

Considering the facts and circumstances of the case, wherein petitioner is said to be the pillion rider of the Scooty which was intercepted and the said Scooty was being driven by the co-accused from which illicit liquours have been recovered but save and except the statement of the apprehended accused nothing has been brought to the notice of this Court and it is the submission of learned counsel for the petitioner that he has been brought as an accused he was accused in two other cases of similar nature on mere suspicion, the petitioner has remained in custody since 16.10.2019, the charge-sheet has already been filed against him and investigation is complete, let the petitioner above named be released on bail in connection with Bhabua P.S. Case No. 439 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd-cum-Special Judge, Excise, Kaimur at Bhabua, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that in case the petitioner is found involved in any other offence of similar nature in future, the Investigating Officer of this case shall file an application for cancellation of bail of the petitioner in the present case also, as also the petitioner shall cooperate in course of trial and on failure on two consecutive dates to put his appearance in the trial court, the court will take as breach of the condition of bail and court below shall proceed to cancel the bail.

(Rajeev Ranjan Prasad, J)

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