

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12547 of 2021**

Arising Out of PS. Case No.-82 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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RAJESH SINGH @ RAJESH KUMAR Son of Birendra Singh @ Birendra
Prasad Singh Resident of Village-Maheshwara, P.S.-Naokothi, District-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Naokothi
P.S. Case No. 82/2019 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act
and Sections 420/120B of the Indian Penal Code.

As per the prosecution case, 38.640 liters of foreign
liquor has been recovered from the bank of river Budhi Gandak.
Petitioner is alleged to have fled away from the place of
occurrence after seeing the police

It is submitted on behalf of the petitioner that no
incriminating article has been recovered from the possession of
the petitioner and the recovery has been made from the bank of



river Budhi Gandak which is accessible to general public. It is further submitted that there is no compliance of Section 100 of the Cr. P.C. with regard to search and seizure. Chargesheet has already been submitted in this case. Petitioner is in custody since 08.12.2020.

Considering the aforesaid facts and circumstances and that nothing has been recovered from the conscious possession of the petitioner, coupled with the fact that chargesheet has already been submitted in this case, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Session Judge-II cum Special Judge, Excise Act, Begusarai, in connection with Naokothi P.S. Case No. 82/2019, subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Prabhat Kumar Singh, J)

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