

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21209 of 2021**

Arising Out of PS. Case No.-28 Year-2019 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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RAUSHAN KUMAR @ GOLU @ RAUSHAN Son of Dasai Mahto Resident
of Village - Kaysth tola Sherpur, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-12-2021 Heard Sri Sheo Kumar Prasad, learned counsel for the

petitioner and Mr. Nitya Nand Tiwry, learned A.P.P. for the

State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 11.12.2020,
seeks regular bail in connection with Bela P.S. Case No. 28 of
2019, for the offence punishable under Sections 272, 273, 414
and 120B of the Indian Penal Code and Section 30(a), 41(i) of
the Bihar Prohibition and Excise Act.

The prosecution case as per the self statement of
Kaushlendra Kumar, S.I., Bela Police Station is to the effect that
on 06.08.2019, confidential information was received that near
the industrial area, Phase-II, in the premises of Balaji Agro
Chemicals Factory, one truck loaded with illicit liquor is parked.



Consequently, the said premises was raided and from the premises a truck and a pickup van were found parked and altogether, 2790.08 litres of Indian Made Foreign Liquor were recovered and co-accused Anil Kumar was apprehended from the vehicle, in question. It is alleged that the petitioner's motorcycle was also found parked along with the other vehicles in the premises of the said factory.

Learned counsel appearing on behalf of the petitioner submits that the name of petitioner has come in the confessional statement of co-accused. Further submission is that similarly situated co-accused Anil Kumar has been released on bail vide order dated 21.10.2019 passed in Criminal Miscellaneous No. 66250 of 2019, Indrajit Kumar @ Nanki Mithai Dukandar @ Nanhki Mithai Dukandar has been released on bail vide order dated 05.03.2020 passed in Criminal Miscellaneous No. 72964 of 2019, Shashibhushan Sharma has been released on bail vide order dated 12.06.2020 passed in Criminal Miscellaneous No. 13432 of 2020 and one Jai Prakash Kumar @ Jay Prakash has been released on bail vide order dated 14.07.2021 passed in Criminal Miscellaneous No. 14292 of 2021.

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



Considering the aforesaid facts and circumstances of the case and the fact that similarly situated co-accused have been released on bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Bela P.S. Case No. 28 of 2019 subject to the following 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 properly 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 offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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