

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21140 of 2021

Arising Out of PS. Case No.-308 Year-2020 Thana- PARWALPUR District- Nalanda

RAJIV KUMAR S/o Late Birendra Thakur Residence of Village- Khirauti,
P.S.- Parvalpur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-11-2021 Heard learned counsel appearing on behalf of the
petitioner, Shri Rahul Kumar and learned APP Smt. Asha Devi
appearing on behalf of the State.

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

Petitioner seeks regular bail in connection with
Parvalpur P.S. Case No. 308 of 2020 bearing G.R. No. 5741 of
2020 registered for offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

It has been alleged that the petitioner is involved in
illegal trade of liquor. However, upon seeing the police, the other
accused persons fled away but the petitioner was arrested from his
house along with 80 litres of country-made liquor from his
possession.

Learned counsel appearing on behalf of the petitioner



submits that petitioner has falsely been implicated in this case and he has got clean antecedent. Learned counsel for the petitioner further submits that petitioner is languishing in judicial custody since 19.10.2020.

Learned A.P.P., however, opposes the prayer for bail.

Considering the fact that the petitioner is in judicial custody since 19.10.2020 and he is not involved in any other similar cases, I am inclined to release the petitioner on bail subject to the condition that any of his close relative or his responsible person furnishes Bank Draft of Rs. 1,00,000/- in favour of Bihar State Legal Services Authority at Patna in Court below which shall be retained by the Court below to see that the petitioner does not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd Cum Special Excise Judge, Nalanda (Bihar Shariff) in connection with Parvalpur P.S. Case No. 308 of 2020 bearing G.R. No. 5741 of 2020 subject to the following conditions:

(i) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after their release on bail the trial Court shall take steps to cancel their bail bonds.

(iii) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) If the petitioner tempers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the Court below.

(Purnendu Singh, J)

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