

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21142 of 2021

Arising Out of PS. Case No.-67 Year-2019 Thana- SULTANGANJ District- Bhagalpur

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RUPESH KUMAR S/o Vijay Mandal R/o village- Munshi Patti Baikunthpur
Dudhaila, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv

For the Opposite Party/s : Ms.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-11-2021 Heard learned counsel appearing on behalf of the

petitioner, Shri Rajive Ranjan Singh 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
Sultanganj P.S. Case No. 67 of 2019 registered for offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

It has been alleged in the F.I.R that house of one
Ghanshyam Mandal was searched and bottles containing 750
ml. Packed in 26 cartoon each of different brands of foreign
liquors were recovered from the backside of the house of the
said Ghanshyam Mandal.



Learned counsel appearing on behalf of the petitioner submits that petitioner has no criminal antecedent neither he has been named in the F.I.R. Learned counsel for the petitioner further submits that petitioner is languishing in judicial custody since 30.08.2020.

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

Considering the facts and circumstances of the case, petitioner having no criminal antecedent and nothing has been recovered from his conscious possession, 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 District and Sessions Judge 2nd Cum Special Judge Excise, Bhagalpur in connection with Sultanganj P.S. Case No. 67 of 2019 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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