

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24087 of 2021**

Arising Out of PS. Case No.-859 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAHUL KUMAR SON OF MOHAN BIHARI PATEL @ PAHALWAN R/O
MOHALLA- PANDAY GALI, MOHANPURI COLONY, P.S.- TOWN,
DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Adv

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 24-11-2021 Heard learned counsel appearing on behalf of the
petitioner, and learned APP 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 who is in custody since 30.12.2020 seeks
regular bail in connection with Town P.S. Case No. 859 of 2020
registered for offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

Prosecution case in brief is that 210 litres of India made
foreign liquor was recovered from the house of the petitioner and
the petitioner has admitted the said fact while he was apprehended.

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 there are altogether three accused persons including the petitioner and there is no specific allegation against the petitioner. Learned counsel for the petitioner further submits that petitioner is in custody since 30.12.2020.

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

Considering the above mentioned facts and circumstances of the case, let the petitioner be released on bail subject to the condition that any of his close relative or his responsible person furnishes Bank Draft of Rs. 2,00,000/- (rupees two lacs) 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 Special Judge, Excise Act, Muzaffarpur in connection with Town P.S. Case No. 859 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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