

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26459 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- ITARHI District- Buxar

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Rakesh Kumar @ Rajesh Kumar @ Sonu Son Of Dinanath Yadav R/O
Village- Matrichhaya Nahar Colony, P.S.- Buxar Town, District- Buxar,
Present P.C. Collage, P.S.- Buxar (M), District- Buxar, At Present Ward No.12
Shwet Nagar Nahar Colony Nagar Parishad, P.S.- Buxar Town, District-
Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
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 30-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned

A.P.P for the State.

The petitioner seeks bail in Itarhi P.S. Case No. 12 of

2021, registered for the offence punishable punishable under

Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

129.600 litres of foreign liquor has been recovered

from Bolero vehicle and three persons were apprehended on the

spot and one of them disclosed that petitioner is one of persons

who fled away after seeing the police party.



It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner is neither the driver nor the owner of vehicle in question and has got no concern with the seized liquor. Petitioner is in custody since 12.01.2021 having no criminal antecedent, as stated in para 3 of the petition.

Considering the fact that no recovery has been made from conscious possession of the petitioner and is having clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge (Excise Act), Buxar in connection with Itarhi P.S. Case No. 12 of 2021, subject to following conditions:-

(i) The 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 and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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