

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33975 of 2021**

Arising Out of PS. Case No.-129 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

RAKESH KUMAR @ RAKESH DAS S/o Lalbabu Das R/o village- Rampur
Jaipal, P.S.- Bochha, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-11-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of
the physical Court.

Heard learned counsel for the petitioner and learned
APP for the State.

A supplementary affidavit filed on behalf of the
petitioner is kept on record which is regarding antecedent of the
petitioner which has not been mentioned, inadvertently, in
paragraph-3 of the bail petition. Learned counsel for the
petitioner submits in the said supplementary affidavit that
petitioner has got one antecedent bearing Ahiyapur P.S. Case
No. 990 of 2020 under Section 30(a) of the Bihar Prohibition
and Excise Act wherein he is on bail.



The petitioner seeks regular bail in connection with P.R. No. 26 of 2020 arising out of Excise Case No. 129 of 2020 registered for the offence under Sections 30(a), (c) (d) (f) 33 and 36 of the Bihar Prohibition and Excise Act.

As per prosecution case, a huge quantity of foreign liquor as well as several articles used in manufacturing liquor were recovered.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has no concern with the seized liquor. He further submits that the co-accused, namely, Guddu Das @ Ravi Shankar Das has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 25526 of 2021 vide order dated 27.09.2021. He further submits that the petitioner has one criminal antecedent and he is in custody since 24.02.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail.

In the facts and circumstances of the case, the above named petitioner is directed to be released on bail on furnishing



bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur in connection with P.R. No. 26 of 2020 arising out of Excise Case No. 129 of 2020 with following conditions:-

(i) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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