

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37284 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

RAKESH KUMAR @ GUDDU S/o Chandra Bali Rai R/o village- Govindpur
Bela, P.S.- Baligaon, Distt.- Vaishali at Hajipur

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Excise Case No. 105 of 2021, P.R. No. 19 of 2021 registered for the offences punishable under Sections 30(a), 32(3) of Bihar Prohibition and Excise Act, 2016.

There is recovery of 67.4 litres of illicit foreign liquor from the gumti of the petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. No incriminating article has been recovered from conscious or physical possession of the petitioner as alleged in the FIR. It is further submitted that petitioner is handicapped and the Civil Surgeon cum Chief Medical Officer, Vaishali has granted certificate that petitioner was about 60% handicapped (Annexure-2). Learned counsel further submits that police has filed charge sheet against the petitioner. It is further submitted that co-accused Mala Devi has been granted bail by a co-ordinate Bench of this court vide order dated 26.08.2021 passed in Cr. Misc. No. 31722 of 2021. Petitioner is in custody since 01.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 105 of 2021, P.R. No. 19 of 2021, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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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