

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41940 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- MEHANDIA District- Jehanabad

RAKESH KUMAR Son of Lakshminarayan Resident of Village and P.S. -
Pataudhi, Dist. - Gurgaon, State - Haryana.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Excise Case No.252 of 2021 (Mahendiya P.S. Case No.37 of 2021), registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016.

Altogether 1989 liters of IMFL is said to have been recovered from a TATA 407 vehicle and the petitioner being the driver was apprehended at the spot.



Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. He has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor and the allegations levelled against him in the FIR is false, fabricated and concocted. Petitioner being a driver had no knowledge about the materials loaded on the vehicle and was transporting the same only on the instruction of the owner of the vehicle. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 17.03.2021.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court,



in connection with Excise Case No.252 of 2021 (Mahendiya P.S. Case No.37 of 2021), with the following conditions:-

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his/her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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