

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10893 of 2021**

Arising Out of PS. Case No.-81 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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RAUSHAN KUMAR SON OF GARIB NATH SINGH RESIDENT OF
MOHALLA- ORIENT CLUB, AAMGOLA, P.S.- KAZI
MOHAMMADPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Shakir Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Kazi Mohammadpur P.S. Case No. 81 of 2020,

G.R. 350 of 2020 registered for the offences punishable under

Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise

Act, 2016.

Learned counsel for the petitioner submits that as per

the prosecution story when the informant was on patrolling duty



he got secret information about illicit liquor being kept in Sahil Kumar's house. The informant along with the police party raided the said place and saw three persons fleeing away. Upon search a total of 82.620 liters liquor was recovered from the house of Sahil Kumar. It is further alleged that local people have disclosed that this petitioner is indulged in illegal trade of liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the seized liquor and nothing has been recovered from his conscious possession. Learned counsel submits that co-accused has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 26554 of 2020. It is submitted that the petitioner is in custody since 16.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that recovery of 82.620 liters of foreign liquor has been made from the house of co-accused Sahil Kumar and the only allegation against the petitioner is that he had fled away from the said place, however, it is the submission that the



petitioner was not present at the place of occurrence and nothing incriminating has been recovered from the house of the petitioner and the co-accused has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 26554 of 2020, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 81 of 2020, G.R. 350 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

