

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3483 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- RAJPUR District- Buxar

RAKESH KUSHWAHA Son of Hirdai Narin Singh Resident of Village -
Hethua, P.S.- Rajpur , Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman
For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks regular bail in connection with
Rajpur P.S. Case No. 40 of 2021, registered for the offences
punishable under Sections 468/469/471/120 (B)/34 of the Indian
Penal Code and Sections 30(a)(d) of the Bihar Prohibition and
Excise (Amended) Act, 2018.

As per prosecution story, there is alleged recovery of
23.200 litres of illicit liquor from the house of Awadh Bihari Sah
and there is alleged recovery of 4 litre illicit liquor from the bike
in question and on the confession of co-accused, the name of the
present petitioner has been surfaced. There is allegation that



who used to manufacture and sell the liquor.

Learned counsel for the petitioner has submitted that petitioner bears no criminal antecedent. Nothing has been recovered from the possession of the petitioner. Petitioner is in custody since 22.10.2021. He further submits that co-accused Shyam Narain Sah against whom the recovery has been made has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 37724 of 2021 dated 14.12.2021 and co-accused Bhagirathi Singh @ Nunu Singh who has been apprehended on the spot has already been granted bail vide Cr. Misc. No. 42311 of 2021 dated 29.01.2022. The case of the present petitioner stands on better footing in comparison to above stated bail of the co-accused.

The learned APP for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, as well as co-accused have already been granted bail by a co-ordinate Bench and argument advanced on behalf of the both parties, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of 2nd Addl. Distt. and Sessions



Judge cum Special Judge, Buxar in connection with Rajpur P.S.

Case No. 40 of 2021, subject to following condition:

(i) One of the surety shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned trial court itself.

(Alok Kumar Pandey, J)

Ranjeet/-

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