

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3907 of 2022

Arising Out of PS. Case No.-171 Year-2021 Thana- BALIYA District- Begusarai

Rakesh Kumar @ Rakesh Yadav, S/o Rajesh Yadav, R/o village- Danauli,
Phulwaria, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ballia P.S. Case No. 171 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that on receipt of secret information about smuggling of illicit liquor, one vehicle was seized and 560.52 litres of India made foreign liquor and other articles were recovered. The co-accused Aman Kumar Paswan was apprehended from the spot, who disclosed the name of the



petitioner to be a part of the syndicate, who were running this business of smuggling of illicit liquor.

The learned counsel for the petitioner submits that petitioner has not been arrested from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. He has been named by co-accused, otherwise there is nothing against this petitioner on record. Moreover, one co-accused Shashi Kumar, who was also named by the co-accused, has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 16.11.2021 passed in Cr. Misc. No. 49163 of 2021. The charge-sheet has been submitted in this case and the petitioner is in custody since 22.09.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is part of a syndicate, who are involved in smuggling of illicit liquor in State of Bihar and a huge quantity of illicit liquor has been recovered. The petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that the the petitioner has not been apprehended from the spot and nothing incriminating has been shown to be recovered from his conscious possession and further considering the fact that charge-sheet has been submitted



coupled with the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Ballia P.S. Case No. 171 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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