

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3807 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- SIRDALA District- Nawada

Rambilash Rajbanshi, Son Of Rohan Rajbanshi, R/O Village- Bandhi, P.S.-
Sirdalla, District- Nawadah, Presently Residing At Rajbanshi Tola Kharaundh,
P.S.- Sirdalla, District- Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Sirdala P.S. Case No. 116 of 2021 registered for the alleged offences under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on secret information, the police conducted a raid on the house of the petitioner and about 100 metres away from the house of the petitioner, 210 litres of country made Mahua liquor was seized. From near the house of



the petitioner, three motorcycles were also seized. Allegedly, the petitioner has been selling the mahua liquor in polythene and using the three motorcycles for supplying the same. The petitioner managed to escape from the spot.

The learned counsel for the petitioner submits that no recovery has been made from the house of the petitioner and it is evident from the FIR that the recovery has been made 100 metres away from the house of the petitioner. The seized motorcycles do not belong to this petitioner. So, the petitioner was neither apprehended from the spot nor anything was recovered from his conscious possession. The petitioner has been made accused in another case after institution of the present case. The charge-sheet has been submitted in this case. The petitioner is in custody since 28.07.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is a supplier and 210 litres of illicit liquor was recovered from near the house of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that recovery has been made from open space and charge-sheet has been submitted in this case and the petitioner is in custody 28.07.2021, 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 District Judge-II-cum-Special Judge, Nawadah in connection with Sirdalla P.S. Case No. 116 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.

Learned trial court is directed to take immediate steps for framing of the charge, if not already framed.

(Arun Kumar Jha, J)

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