

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4663 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- RAJIVNAGAR District- Patna

RAUSHAN KUMAR Son of Sanjay Prasad Resident of Mohalla- Rajiv Nagar, Road No. 45, Pappu Kirana Store, Police Station - Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with Rajiv Nagar P.S. Case No. 40 of 2021 (Special Case No. 782 of 2021) registered for the offence under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The petitioner is named in the FIR and is in custody since 01.09.2021.

The allegation against the petitioner is to have in possession of 41.25 litre of illicit India made foreign liquor.

Learned counsel appearing on behalf of the



petitioner submitted that the alleged recovery of illicit liquor has been made from the house of the petitioner, which is jointly occupied by the family members of the petitioner. He has further been submitted that as regard to the criminal antecedent, the petitioner is involved in 6 other cases, but in all cases, he is on bail.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery has not been made from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the physical or conscious possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Rajiv Nagar P.S. Case No. 40 of 2021 (Special Case No. 782 of 2021) on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise, Patna subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for



the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be father of the petitioner, namely, Sanjay Prasad, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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