

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5303 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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Rahul Kumar S/o Late Bishwanath Prasad Singh @ Bishwanath Prasad Yadav
R/o village- Pashpar, P.S.- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-06-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Uday Chand Prasad, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Excise P.S.Case No. 98 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, it is alleged that on a
secret information, the police intercepted Scorpio bearing
Registration No. BR10P 7359. On search being made 90



liters of illicit foreign made liquor was recovered from dickey of the said vehicle. It is further alleged that on seeing the police party, two persons including the petitioner tried to flee away but they were caught by the police.

It is submitted by the learned counsel for the petitioner that petitioner is neither driver of the vehicle nor owner of the same. It is submitted that he was only passer by, but as he was present at the place of occurrence, he has been apprehended by the police and his name has been implicated in this case. It is further submitted that there is no compliance of the provision prescribed under section 100 of the Cr.P.C, apart from the fact that seizure list witnesses was also police personnel. It is also submitted that this petitioner is in custody since 14.09.2021. Moreover, investigation has already been concluded.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has found involved in three other cases and as such he does not deserve the privilege of bail.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner was



neither driver of the alleged vehicle nor he is said to be owner of the same. Petitioner is in custody since 14.09.2021 and investigation has already been concluded, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II Banka in connection with Excise Case No. 98 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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