

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6767 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- RISIYAP District- Aurangabad

RAHUL KUMAR S/o Late Anil Ram R/o village- Kataiya, P.S.- Hariharganj,
Distt.- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-06-2022 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 A.P.P. for the State.

The petitioner seeks bail in connection with G.R.
No. 13/22 arising out of Risiyap P.S. Case No. 01 of 2022
registered for the offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 296 liters country made wine from Brezza Car in question. It
is alleged that the said car was driven by the present petitioner
and on chase he was apprehended by the police.

Learned counsel for the petitioner submits that
petitioner bears criminal history of one case of similar nature in

which he is on bail. He has submitted that neither he is driver nor owner of the said vehicle and he has apprehended only suspicion. Seizure list has not been made as per law and petitioner is in custody since 08.01.2022. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted and the argument advanced on behalf of the both parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court no. 2, Aurangabad in connection with Risiyap P.S. Case No. 1 of 2022, subject to following conditions:-

(i) One of the bailors 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.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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