

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7712 of 2022

Arising Out of PS. Case No.-176 Year-2018 Thana- SONBERSA District- Sitamarhi

RAHUL KUMAR @ MIYA @ MIYAN S/o Bhuneshwar Mahto @
Bhuvneshwar Mahto R/o Village- Jai Nagar, P.S. - Sonbarsa, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Suresh Pd. Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and the

State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act.

Allegedly, 432 liters of country made liquor was recovered from a bamboo clump.

The main submissions advanced by the learned counsel for the petitioner are that there is antecedent of one criminal case against the petitioner in which he is on bail and two similarly situated co-accused Gauri Rai @ Gauri Kumar and Rajesh Kumar @ Mahto @ Rajesh Mahto have been granted bail by different benches of this court vide orders passed



in Cr. Misc. no. 16053 of 2019 and Cr. Misc. no. 21328 of 2019 respectively and name of this petitioner surfaced in the statement of co-accused persons.

Learned APP opposes the prayer for bail.

In view of the above submissions and considering the fact that co-accused Gauri Rai, who was arrested during the course of investigation and he disclosed the name of this petitioner as doing in the business of illicit wine, has been granted privilege of bail by this court vide order passed in 16053/2019 and other similarly situated co-accused is also enjoying privilege of bail vide order passed in the above mentioned miscellaneous case. Hence, this petitioner also deserves privilege of bail.

Accordingly, petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II-cum- Special Judge, Excise Act, Gaya in Sonbarsa P. S. Case No. 176 of 2018 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the



Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than Sonbarsa P. S. Case No. 14 of 2018 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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