

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7762 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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Rahul Kumar @ Rahul Kumar Singh Son Of Ashok Prasad Singh R/O
Village- Sahajadpur, P.S.- Udakishunjanj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Gupta,Adv
For the Opposite Party/s : Mr.Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-06-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Supplementary affidavit has been filed by learned
counsel for the petitioner.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of Bihar Prohibition
and Excise Amendment Act, 2016.

Recovery is of 283.965 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present



case. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of confessional statement co-accused, namely, Niraj Kumar. He further submits that on the basis of the disclosure made by co-accused persons, the recovery has been made from the house of co-accused, namely, Shankar Singh and the similarly situated several co-accused persons have already been granted bail by the learned court below itself vide order at Annexure-2 series of the supplementary affidavit and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Udakishunganj P.S. Case No.270 of 2021, with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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