

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10545 of 2022

Arising Out of PS. Case No.-715 Year-2021 Thana- MAHUA District- Vaishali

RAUSHAN KUMAR S/o Raj Kishore Rai R/o village- Chhatwara Kapoor,
P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.K. Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 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 today.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 715 of 2021, registered for the offence under
Sections 30(a)/32(ii)/34(ii)38(ii)/41(i) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.11.2021.

The allegation against the petitioner is to associate
with co-accused namely Abhishek Rai who engaged in the
business of illicit foreign made liquor having recovery of 864
litres from godown and 3618.36 Ml. from truck total of 4482.36



MI.

Learned counsel appearing on behalf of the accused/ petitioner submitted that from bare perusal of the F.I.R., it appears that the petitioner was engaged as a Guard of the Godown by co-accused Abhishek Rai having direction to inform about the raid of the police party. It has been submitted that petitioner is a man of clean antecedent and also the charge-sheet has been submitted in the case and as is no chance of tampering the evidence. it is also submitted that seizure list is also disputed for the reason that provision as laid down under section 100 of Cr.P.C. was not complied of.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded the fact that the petitioner was engaged as a Guard of the godown.

Considering the facts and circumstances as mentioned above as, the petitioner engaged as Guard of the godown, storing illicit liquor, having no criminal antecedent, let the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No. 715 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 Special Judge and Prohibition court II cum Additional District



and Sessions Judge, Hajipur, Vaishali, subject to the following condition:

(i) Accused/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 duly supported by the documents.

(ii) One of the bailors shall be Raj Kishore Rai, father of the accused/petitioner.

(Chandra Shekhar Jha, J)

Ranjeet/-

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