

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11637 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- PATNA RAIL P.S. District- Patna

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Pawan Kumar, Son Of Kameshwar Prasad, R/O - Choti Pahari, Ward No.-56,
P.S.- Agamkuan, District- Patna- 800007

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through Video Conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rail Police Station Patna Junction P.S. Case No. 25 of 2022 registered for the alleged offences under Section 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Allegedly, the petitioner was apprehended on suspicion that he was carrying illicit liquor in the toilet of a train and on search, about 270.375 liters of illicit liquor was recovered from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and nothing has been recovered from his possession. He has been apprehended merely on suspicion. The recovery of liquor has been made from the toilet of the train and the petitioner has nothing to do with it. The petitioner is in custody since 18.01.2022. Regarding antecedent of the petitioner, learned counsel submits that petitioner is also made an accused in Ramkrishna Nagar P.S. Case No. 293/2021 in which he is on bail.

Learned APP opposes the prayer for bail. He submits that a huge quantity of liquor has been recovered and the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that nothing has been shown to have recovered from the possession of the petitioner and further considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Rail Police Station Patna Junction P.S. Case No. 25 of 2022, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted

only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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