

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11943 of 2022**

Arising Out of PS. Case No.-238 Year-2021 Thana- BAUNSI District- Banka

Rajesh Rathor Son of Srichandra Rathour Resident of Village - Agrawal
Mohalla , Patrahat, P.s.- Kotwali Mainpuri, Distt.- Mainpuri (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 01-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bounsi
P.S. Case No. 238 of 2021 registered for the offence under
Sections 30(a) and 32(2) of Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.11.2021.

The allegation against the petitioner is to have in
possession of 4341.96 liters of illicit foreign liquor, which was
recovered from a truck bearing Registration no. UP 84 T 3411.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is the owner of the alleged vehicle and



nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery. It has been submitted that the recovery has not been made from the conscious physical possession of the petitioner. It has been submitted that petitioner is involved in one another case, in which he is on bail. While concluding the argument, it has been submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the petitioner is the owner of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bounsi P.S. Case No. 238 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 learned Additional Sessions Judge-II, Banka, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Yashpal, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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