

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15115 of 2022**

Arising Out of PS. Case No.-36 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

Raushan Kumar Son Of Bambam Sah R/O Village- Balha, P.S.- Dandari,
District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha
For the Opposite Party/s : Mr. APP

=====

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State by virtual mode.

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 36 of 2019 registered for the offences punishable
under Section 414, 290 of the Indian Penal Code and 30(a) of
the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
1175.82 litre, scooty and other vehicle from a nearby campus on
Fatehpur road and petitioner fled away from the spot. It is
further alleged that the name of the petitioner was surfaced as
Scooty in question belongs to the petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 03.01.2022 and bears no criminal history. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel for the petitioner further submits that alleged recovery has been made from a nearby campus on Fatehpur road and petitioner has no concern with the seized liquor as he has been arrest merely on suspicion. Nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has been falsely implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for the bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court- I, Begusarai in connection with Muffasil P. S. Case No. 36 of 2019, subject to following conditions:-



(I) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

sanjeev/-

U		T	
---	--	---	--

