

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15667 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- KEWATI District- Darbhanga

Rakesh Kumar, Son of Bharat Sah, Resident of village - Bhowara, Town, P.S.-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 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 Keoti P.S. Case No. 170 of 2021 registered for the alleged offences under Sections 30(a), 33, 34(a) and 36 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case is that on receipt of secret information, police intercepted a Tata Safari vehicle and 103.70 litres of India made foreign liquor along with 480 litres of spirit were recovered from the vehicle. However, the petitioner and co-accused persons fled away from there.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has no knowledge about contents of another vehicle which was being towed by the vehicle in which he was seated. The petitioner does not own the vehicle and he is not the driver of the said vehicle. Moreover, recovery has been made from another vehicle. The petitioner was only a co-passenger in the vehicle and has become a victim of circumstances. Charge-sheet has been submitted. Another co-accused Santosh Kumar has been granted bail by this court in Cr. Misc. 8264 of 2022 and the petitioner is in custody since 25.09.2021.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that petitioner has not been apprehended from the spot and no recovery has been made at his instance and considering the period of the 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 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga in connection with Keoti P.S. Case No. 170 of 2021, subject to the following conditions :



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

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

(iii) 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.

(Arun Kumar Jha, J)

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