

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15555 of 2022

Arising Out of PS. Case No.-734 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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Rabudin Mian @ Rabdin Sai, Son of Late Khaleel Miyan Resident of Village
- Bhojpurwa, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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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 Gopalganj (Town) P.S. Case No. 734 of 2021 registered for the alleged offences under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that police received secret information that the petitioner and co-accused were involved in sale of illicit liquor and when that place was raided, both of them escaped from there and from bushes near the road, 130



litres of country made liquor was seized.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He has got no concern with the co-accused persons. Merely on basis of suspicion, this petitioner has been made accused in this case. Charge-sheet has been submitted and the petitioner is in custody since 03.12.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is also an accused in one criminal case.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and charge-sheet has been submitted in this case and further considering the period of his 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 734 of 2021, 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.

(Arun Kumar Jha, J)

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