

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16814 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- BAUNSI District- Banka

RAHUL KUMAR Son of Vishwanath Sharma Resident of Village -
Balanaubad, P.S.- Beldaur, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

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 virtual court proceeding.

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 Special Excise Case No. 153 of 2022 arising out of Baunsi P.S. Case No. 30 of 2022 registered for the alleged offences under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2018.

Allegedly the petitioner and the co-accused Gulshan Kumar were apprehended from vehicle, from which 197.640 liters of Indian made foreign liquor was recovered.

The learned counsel for the petitioner submits that the



petitioner is a victim of the circumstance as he was merely co-passenger in the vehicle which was being used for smuggling of illicit liquor. Co-accused Gulshan Kumar is the driver and he has stated nothing against this petitioner. It is clear from the FIR that the petitioner has got no concern with the seized liquor or the accused person. Charge sheet has been submitted in this case and the petitioner is in custody since 10.02.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted 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 Additional District and Sessions Judge-II, Banka in connection with Special Excise Case No. 153 of 2022 arising out of Baunsi P.S. Case No. 30 of 2022, 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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