

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18653 of 2022

Arising Out of PS. Case No.-262 Year-2021 Thana- GANGABRIDGE District- Vaishali

Rahul Kumar Son of Mithilesh Chauhan R/O Village- Puna, P.S.- Hilsa,
District- Nalanda

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Ganga
Bridge P.S. Case No. 262 of 2021 registered for the offences
punishable under Sections 414, 467, 468 and 471 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 250 litre country made liquor from the auto-rickshaw in
question and petitioner along with other co-accused was
apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 20.11.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner is innocent and has been falsely implicated in this case without any basis and he has been arrested only because he was traveling in the said auto-rikshaw as a passenger.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution 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 Special Excise Court No.1- cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 262 of 2021, 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)

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