

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18246 of 2022**

Arising Out of PS. Case No.-43 Year-2022 Thana- RAFIGANJ District- Aurangabad

Changu Khan @ Md.Changu Khan, Son of Taiyab Khan, Resident of Village
- Kajpa, P.s.- Rafiganj, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 22-07-2022 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 Rafiganj P.S. Case No. 43 of 2022 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

Allegedly, the petitioner and other co-accused persons were apprehended from tempo and 48.375 liters of Indian made foreign liquor was recovered from that tempo.

The learned counsel for the petitioner submits that the petitioner is neither the driver nor the owner of the tempo. He



was merely a passenger in the tempo. Charge sheet has been submitted in this case and the petitioner is in custody since 06.02.2022.

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 the petitioner has remained in custody for more than five months, 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 Judge-1st-cum-Special Judge, Aurangabad in connection with Rafiganj P.S. Case No. 43 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) The petitioner will not indulge in similar type of offences in future.

(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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