

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21994 of 2022

Arising Out of PS. Case No.-454 Year-2021 Thana- RAJGIR District- Nalanda

Bhagat Rajbanshi @ Upendra Rajbanshi Son of Late Bhattu Rajbanshi
Resident of village - Sidepar, P.S.- Rajgir, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sanjay Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rajgir P. S. Case No. 454 of 2021 registered for the offences punishable under Sections 30 (a) and 30 (c) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the Police, on a secret information, raided Barahiya Khandha of village Sidepar and on seeing the police party several persons



fled away. It is further alleged that 110 litres country-made liquor was seized. It is also alleged that the labourers working there, disclosed the name of fourteen persons including this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession and moreover, except the disclosure made by the labourers, there is no other cogent material came during the course of investigation, which suggests the complicity of the petitioner in the present case. It is further submitted that other co-accused persons having identical allegation has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 22279 of 2022 vide order dated 26.05.2022 and moreover, this petitioner is in custody since 11.01.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession and moreover, the person having identical allegation has also been granted bail by



learned co-ordinate Bench of this Hon'ble Court and this petitioner is in custody since 11.01.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 4th-cum-Special Judge, Excise 2nd Nalanda, Bihar Sharif in connection with Rajgir P. S. Case No. 454 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any



stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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