

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24480 of 2022

Arising Out of PS. Case No.-255 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rahul Kumar @ Rahul Kumar Mangalam @ Rahul Singh S/O Arvind Singh
R/O Village- Khamhar, P.S.- Muffasil, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar Lal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Begusarai Muffasil P.S.Case No. 255 of
2018 for the offences punishable under Sections 30(a) of
the Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that the
police on secret information regarding unloading of liquor
at BMT brick klin raided the place and seized the truck and



on search being made 4621.68 country made foreign liquor was recovered.

It is submitted by the learned counsel for the petitioner that initially, the owner of the truck was made accused in the present case. However, later on, on the disclosure made by the police spy, the name of seven persons including this petitioner have been implicated. It is further submitted that one of the co-accused persons, whose name was disclosed by the police spy as well as co-accused, who was apprehended, has been granted bail by this Court in Cr. Misc. No 22185 of 2021 vide order dated 17.09.2021. It is next submitted that this petitioner is in custody since 22.03.2022 and save and except confessional statement of co-accused, there is no other material suggesting the complicity of the petitioner. It is lastly submitted that only because of his past criminal antecedent, his name is being implicated in similar kind of cases.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has found involved in five other cases.

Having heard the rival contentions of the parties



and taking into consideration the fact that the petitioner is neither named in the FIR nor any incriminating material has been recovered and save and except the disclosure made by the police spy and the confession made by the co-accused, there is no other material and apart from the aforesaid fact co-accused persons having identical allegation have already been granted bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise , Begusarai in connection with Begusarai Muffasil P.S.Case No. 255 of 2018 subject to the condition that one of the bailors will be the close relatives 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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