

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26204 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- KONCH District- Gaya

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Rahul Kumar S/o Sanjay Paswan @ Sanjay Kumar Resident of Village-
Araulichak, P.S.- Amas, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Heard Md. Javed Jafar Khan, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection
with Konch P.S. Case No. 27 of 2022 for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act 2018.

As per the prosecution case, it is alleged that in course
of vehicle checking, police intercepted a tempo, after seeing the
police party two persons fled away and one person was
apprehended. On search being made total 120 liters of country
made liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from person or



possession of the petitioner and he has neither any concern with the tempo nor illicit liquor. It is submitted that he being passenger of the said tempo is in custody since 31.01.2022, having fair antecedent. Moreover, investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned counsel for the state vehemently opposed the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 31.01.2022 and the alleged recovery has been made from a tempo which carries passengers, apart from the fact, investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of the commencement of the trial in near future, 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 the learned Exclusive Special Excise Court, Gaya in connection with Konch P.S. Case No. 27 of 2022 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.

(Harish Kumar, J)

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