

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24156 of 2022**

Arising Out of PS. Case No.-94 Year-2020 Thana- NIMACHANDPURA District- Begusarai

RAHUL KUMAR @ RAHUL THAKUR Son of Late Mukund Thakur  
Resident of Village - Chandpura, Ward no16, P.s.- Neemchandpura, Distt.-  
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      06-08-2022                      Heard learned counsel for the parties through video  
conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioner is an accused in connection with  
Neemachandpura P.S. Case No. 94 of 2020 under Section 30(a)  
of Bihar Prohibition and Excise Act.

The allegation against the petitioner is that the police  
raided the joint house of the petitioner and Golu Kumar and  
recovered/seized 123.75 liters of foreign liquor. Accordingly, the  
FIR was lodged and it is in this matter that the petitioner came  
into judicial custody since 14.02.2022 (as stated in paragraph-10  
of the bail application).



Learned counsel for the petitioner submits that it is a joint house and there has not been any recovery from the conscious possession and two of the similar placed co-accused, namely, Golu Kumar and Sudhir Singh have since been released on bail vide Cr. Misc. No. 29887 of 2021 (Golu Kumar) and Cr. Misc. No. 39586 of 2021 (Sudhir Singh) disposed of on 13.08.2021 and 17.09.2021 respectively.

Taking into account the fact that the recovery has been alleged to be from the joint house of the petitioner and co-accused, namely, Golu Kumar, who has since been released on bail by a co-ordinate Benches of this Court, the petitioner is in custody since 14.02.2022 (as stated in paragraph-10 of the bail application) as also the fact that the charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Special Judge Excise Court-02, Begusarai in connection with Neemachandpura P.S. Case No. 94 of 2020, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

