

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26395 of 2022**

Arising Out of PS. Case No.-60 Year-2022 Thana- RIGA District- Sitamarhi

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RAUSHAN KUMAR S/o Ranjit Prasad R/o Village - Mahavir Asthan
Sonapatti, Ward No. -8, P.S. - Sitamarhi, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate.

For the Opposite Party/s : Mr. Shaheen Begum, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 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.

At the outset, learned counsel for the petitioner
submitted that a supplementary affidavit has been filed bringing
on record the fact that the name of the petitioner is found
involved in one another case.

Heard Mr. Santosh Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State through video conference.



The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Riga P. S. Case No. 60 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the Police, on a secret information, raided the house of co-accused Raj Kumar and three persons including this petitioner were apprehended. On search, altogether 828.720 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the conscious possession of this petitioner. He being driver of e-Rickshaw only called upon by co-accused Ganesh Kumar for transportation of certain goods. It is further submitted that the petitioner is a man of fair antecedent and he has never been indulged in such type of act and he has neither any concern with co-accused persons nor the seized illicit wine. It is next submitted that the petitioner is in custody since 19.02.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State



opposes the bail application and submits that the petitioner was apprehended at spot.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner happens to be owner-cum-driver of the said e-Rickshaw and moreover, he is in custody since 19.02.2022, having fair antecedent and the investigation of the crime is already completed and the charge sheet has been submitted in as much as there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Special Excise Court-I, Sitamarhi in connection with Riga P. S. Case No. 60 of 2022, 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.

(Harish Kumar, J)

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