

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27150 of 2022**

Arising Out of PS. Case No.-39 Year-2022 Thana- ROSHANGANJ District- Gaya

ROHIT KUMAR S/o Mahesh Paswan Resident of Village- Dewariya,  
Dumariya Kala, P.S.- Hantarganj, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

ORAL ORDER

2      06-08-2022                      Heard learned counsel for the petitioner and the  
  
learned APP for the State through virtual mode in view of  
  
COVID-19.

Let the defect(s) be removed within four weeks of the  
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection  
with Raushanganj (Bankey Bazar) P.S. Case No.39/2022  
instituted under Section 30(a) of Bihar Prohibition and Excise  
Amendment Act, 2018.

As per the FIR, one Shiv Nath Das, A.S.I of Bankey  
Bazar Police station lodged a written report before the SHO,  
Bankey Bazar Police station on 05.03.2022 stating there in that  
when he along with other police personnel were on patrolling  
duty, he got information that by a tempo bearing registration no.  
BR26B4681, illicit liquor was carrying from Jharkhand. He



reached near Baheta Garh, intercepted one tempo and searched in which 40 liters mahua liquor in a jar and in box of tempo 40 liters in polythene, i.e total 80 liter country made mahua liquor were recovered. The apprehended person disclosed his name as Rohit Kumar. Thereafter a seizure list was prepared accordingly.

Learned counsel for the petitioner submits that the alleged recovery of 80 liters countrymade foreign liquor has been attributed to the Tempo which is not owned by the petitioner nor he was the driver rather he was a passenger in it when the police raided the said Auto and implicated him in this case.

Considering the fact that the petitioner has no criminal antecedent, he is in custody since 06.03.2022 (as stated in para-12 of the bail application) and charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Raushanganj (Bankey Bazar) P.S. Case No.39/2022 to the satisfaction of learned Exclusive Special Excise Court No.3, Gaya, subject to 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 cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

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

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Prakash Narayan /-

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