

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29731 of 2022**

Arising Out of PS. Case No.-158 Year-2022 Thana- PHULWARIYA District- Gopalganj

RAHUL KUMAR @ RAHUL KUMAR PAL S/o Ravindra Kumar Pal  
Resident of Village- Kewali, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raj Shekhar

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      05-08-2022                      Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Phulwariya P.S. Case No. 158/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of total 155.52 liters foreign liquor from the car in question. The petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioner. He further submits that the petitioner was no concern with the seized car in question as well as the seized liquor. Seizure list has not been prepared as per law. The petitioner is languishing in custody since 14.04.2022 and bears criminal antecedent of two cases of similar nature in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional District and Sessions Judge cum Special Excise Court No.1, Gopalganj in connection with Phulwariya P.S. Case No. 158/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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