

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39139 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

RAUSHAN KUMAR S/O SHATRUGHAN KHANI R/o- Ward No.- 3,
Singheshwar, P.S.- Singheshwar, District- Madhepura, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 27.02.2021,
seeks bail in connection with Kuchaikote P.S. Case No. 79 of
2021, for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that the petitioner
along with other were arrested on the spot with Bus bearing
registration No. UP-51AT-7441 and during search total 90.00
litres, various brand, of illegal wine have been recovered from
the dickey of said bus. Thereafter, seizure list was prepared and



copy of the seizure list was handed over to the arrested accused persons.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has not committed any offence. He further submits that nothing has been recovered from the possession of the petitioner. He further submits that the alleged liquor has been planted by business rivalry in transportation competitors in a conspiracy only with a view to harass, humiliate and blackmailing the petitioner. He further submits that petitioner has no criminal antecedent and he is Khalasi of the bus. The other co-accused, who are owner, driver and conductor of the said bus have already been released on bail vide order dated 26.08.2021 passed in Criminal Miscellaneous No. 31731 of 2021.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned A.D.J-II, Gopalganj in connection with Kuchaikote P.S. Case No. 79 of 2021. One surety must be the wife of the owner of the



aforesaid bus, if the wife of the owner of the vehicle refuses to become bailor on behalf of the petitioner then appropriate legal action be taken against her and in that circumstances, this Court directs that any local respectable person shall execute bond for release of the petitioner, subject to the following conditions:-

(1) Bailors should have sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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