

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31011 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- BYPASS District- Patna

RAHUL KUMAR Son of Shivan Mallah @ Shivanarayan Mallah Resident of
Village - Bahari Dhawalpura, P.s.- Bypass, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-06-2022 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 Bypass
P.S. Case No. 176 of 2022 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 300 litres Mahua liquor from the place of occurrence. The
petitioner alongwith another co-accused is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.05.2022. Petitioner bears no
criminal antecedent. Learned counsel further submits that



nothing has been recovered from the conscious possession of the petitioner. Recovered liquor does not belong to the petitioner. The place of recovery is an open place and access to all persons.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City, District - Patna in connection with Bypass P.S. Case No. 176 of 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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