

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31674 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- AMBA District- Aurangabad

Rakesh Kumar @ Patharua, S/o Chhotelal Yadav Resident of Village - Badal Bigha, P.S. - Madanpur, District - Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2022 Heard Mr. Krishna Prasad Singh, learned Senior Counsel appearing on behalf of the petitioner and Mr. Zainul Abedin, learned APP for the State.

The petitioner seeks regular bail in connection with Amba P.S. Case No. 228 of 2021, registered for offences punishable under Sections 30(a), Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation is of recovery of 337.5 litres of country made liquor from Honda City car bearing registration No. WB-02Z-7655. The petitioner was found sitting in the said car.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. He further submitted that petitioner is not the owner of the said car nor he has any connection with the owner or driver of the said car and in this



regard petitioner has made specific statement in paragraph No. 9, 10 and 11 of the bail application. The only mistake, which has committed he was caught at the place of occurrence while sitting in the car. He further submitted that similarly situated co-accused Srikant Kumar has already been enlarged on bail by this Court vide order dated 25.08.2022 passed in Criminal Miscellaneous No. 15382 of 2022. The petitioner is in custody since 25.12.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Taking into consideration the submission made by the learned counsel for the petitioner that petitioner was found sitting in the alleged vehicle as passenger and he had no knowledge about carrying of liquor in the said vehicle, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise 1st Aurangabad



in connection with Amba P.S. Case No. 228 of 2021, subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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