

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33563 of 2022

Arising Out of PS. Case No.-303 Year-2022 Thana- BARACHATTI District- Gaya

RAHUL KUMAR SON OF CHANDRADEO YADAV RESIDENT OF
VILLAGE- PARSA KALA, POLICE STATION- CHERKI, DISTRICT-
GAYA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Barachatti (Mohanpur) P.S. Case No. 303 of 2022 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 81.750 litre IMFL from the vehicle in question and the said
vehicle was being driven by the petitioner. Petitioner was
apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 11.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing incriminating article has been recovered from conscious possession of the petitioner. Petitioner has no concern either with the seized liquor or the said vehicle. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Exclusive Special Excise Judge, Court No. 2, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 303 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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