

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36889 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- KANTI District- Muzaffarpur

Rahul Kumar, S/o Devendra Sahni @ Devilal Sahni, R/o Village-Arara, P.S.-
Kanti (Panapur O.P.), Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-09-2022 No one appears on call. Learned APP for the State is present through virtual mode in view of COVID-19.

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

The petitioner is in judicial custody in connection with Kanti (Panapur O.P.) P.S. Case No.175 of 2022 instituted under Section 25(1-B)a,26 Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the FIR, the police during patrolling duty upon secret information raided the house of Rahul Kumar, the petitioner herein and it is alleged that beside one countrymade pistol and a 'Gupti', 72 liters of foreign liquor were recovered/seized. Accordingly, FIR was lodged and he came into custody on 20.03.2022.

As per the averment made in the bail application,



there has been no recovery in his presence and as such he alleges that the police has implicated in this case. It has further been averred that he has already suffered by being in custody since 20.03.2022 and also it is a joint property and as such any alleged recovery cannot be attributed to him.

Considering all the aforesaid facts as also that nothing has been recovered from his conscious possession rather the same has been recovered from joint house, he is in custody since 20.03.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Kanti (Panapur O.P.) P.S. Case No.175 of 2022 to the satisfaction of learned Special Judge Excise, Court No.II, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the Trial to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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