

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46082 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- RAFIGANJ District- Aurangabad

Rupesh Kumar Son Of Awadesh Yadav Resident Of Village - Chandaul, P.S. -
Rafiganj, District - Aurangabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 47000 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- RAFIGANJ District- Aurangabad

Munesh Kumar S/O Tetar Yadav R/O Village- Chandaul, P.S.- Rafiganj,
District- Aurangabad

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46082 of 2021)

For the Petitioner/s : Ms. Malti Kumari, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha

(In CRIMINAL MISCELLANEOUS No. 47000 of 2021)

For the Petitioner/s : Ms. Malti Kumari, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2022 Learned counsel for the petitioners undertakes to
remove all the defects as pointed out by Stamp Reporter within two
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Ms. Pushpa
Sinha, learned APP for the State in both the cases

The petitioners in both the cases are seeking regular bail
in connection with Rafiganj P.S. Case No. 102 of 2021 corresponding
to Excise Case No. 470 of 2021 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise Act.



They are in custody since 21.05.2021 and have no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, the informant received a secret information that one Rampravesh Yadav has come with huge quantity of illicit liquor near Khajurwani. On this information, the informant along with other police officials went there and saw that two persons were loading jute bag on a motorcycle but on seeing the policy party they fled away. The local Chaukidar identified both of them as Rampravesh Yadav and Rupesh Kumar (petitioner in Cr. Misc. No. 46082 of 2021) of village Chandaul. Munesh Kumar (petitioner in Cr. Misc. No. 47000 of 2021) is the owner of the said motorcycle. On search of the said jute bag, total 50 liters of illicit liquor was recovered.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the illicit liquors have been seized from a jute bag which was kept on the motorcycle but the petitioners were not arrested on the spot. The petitioners are in custody since 21.05.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that the alleged illicit liquors have been seized from a jute bag which was kept on the motorcycle but the petitioners were not arrested on the spot, they



have no criminal antecedent and have remained in custody for over 9 months, investigation against them is complete and their presence may be secured in course of trial, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd-cum-Special Judge, Aurangabad in connection with Rafiganj P.S. Case No. 102 of 2021 corresponding to Excise Case No. 470 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

