

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37216 of 2022**

Arising Out of PS. Case No.-186 Year-2022 Thana- RAFIGANJ District- Aurangabad

Srikant Kumar @ Budhan, Son Of Ram Barat Yadav, R/O Village- Kuwar
Bigha, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Rafiganj P.S. Case No. 186 of 2022, registered
for the alleged offences under Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, the police received secret
information that the petitioner and co-accused persons having
indulging in illicit sale of *Mahua* flowers and they have
concealed the same beneath the husk in their land. A raid was
conducted and the petitioner was apprehended and the co-



accused fled away from the spot. On search of that place, about 600 K.G. of Mahua flower was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has nothing to do with the recovery allegedly made or the place from where the recovery has been shown. The land on which recovery has allegedly been made belongs to one Md. Safik. Charge sheet has been submitted and the petitioner is in custody since 28.05.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Aurangabad, in connection with Rafiganj P.S. Case No. 186 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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