

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37897 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- CHANDAN District- Banka

RAHUL KUMAR S/O HARERAM YADAV Resident of Village- Gayan
Tola, P.S.- Sahebpurkamal Distirct- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Randhir Kumar No.1, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Chandan P. S. Case No. 63 of 2022
giving rise to Special Excise 327 of 2022 registered for the
offences punishable under Section 30 (a) and 32 (2) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that in
course of vehicle checking the police got an information that a



tractor loading with illicit liquor is coming, intercepted the said tractor and apprehended two persons including the petitioner. On search, total 1069.20 litres illicit Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither driver nor owner of Sonalika tractor, which was seized by the police. It is next submitted that the petitioner has no concern with the alleged illicit wine, however, on the fateful day as he had taken lift over the tractor, in the meantime, apprehended by the police and only because of the past criminal antecedent, his name has been implicated in this case. It is also submitted that there is no compliance of Sections 81-82 of the Bihar Prohibition and Excise Act, 2016, apart from the seizure list being in complete defiance of the Section 100 of the Cr.P.C.. It is further submitted that the petitioner is in custody since 26.03.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is named in a similar kind of case earlier.

Regard being had to the facts that the petitioner is



neither owner of the tractor nor the driver and so far the investigation of the crime is concerned that has already been completed and moreover, the charge sheet has been submitted and the petitioner is in custody since 26.03.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- II, Banka in connection with Chandan P. S. Case No. 63 of 2022 giving rise to Special Excise 327 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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.

(Harish Kumar, J)

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