

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39099 of 2022**

Arising Out of PS. Case No.-61 Year-2021 Thana- BANGARA District- Samastipur

Rahul Kumar, Son of Lakshmi Sah, Resident of village- Gaddopur, P.S.- N.H.  
Bangara, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

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

Heard Mr. Shyameshwar Kumar Singh, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with N.H. Bangara P.S. Case No. 61 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30 (a), 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that 1140.480 litres of Indian made foreign liquor was seized from a truck while the same was being unloaded and kept in a Pick-up Van. The police apprehended one Pankaj Kumar on spot and he is



stated to have disclosed the name of other accused persons, including the petitioner, having complicity in the trade of illicit liquor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession. He next submits that save and except the disclosure made by the co-accused person, there is no material, which suggests the complicity of the petitioner. He further submits that the co-accused persons, having identical allegation, have already been granted bail by different learned coordinate Benches of this Court, the copies of which have been annexed as Annexures- 2 and 3 to this application. He lastly submits that the petitioner is in custody since 30.04.2022 and he is also named in one another criminal case, in which he is on bail.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession



and save and except the disclosure made by the co-accused person, there is no material, which suggests the complicity of the petitioner and moreover the other accused persons, having identical allegation, have already been granted bail by different learned coordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.1, Samastipur in connection with N. H. Bangara P.S. Case No.61 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

uday/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

