

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38870 of 2022**

Arising Out of PS. Case No.-133 Year-2017 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAHUL KUMAR @ RAHUL MANGALAM SON OF ARVIND SINGH
R/O VILLAGE- KHAMHAR, P.S.- MUFFASIL, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.APP.

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 22-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Cheriyabariyarpur P.S. Case No. 133 of 2017 registered for the

offences punishable under Section 30(a) of the Bihar Excise and

Prohibition Act, 2016.

As per prosecution case, there is alleged recovery

of 677.16 litre illicit foreign liquor from vehicles in question.

Learned counsel for the petitioner submits that

petitioner is not named in the FIR and during course of

investigation name of petitioner has been transpired at para 62



of the case diary, as mentioned in the impugned order. Petitioner is in custody since 21.05.2022 and bears criminal antecedent of eight cases in which seven cases are of similar nature. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from conscious possession of the petitioner or from his house. Petitioner has no concern with the alleged wine or vehicle.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise No. 1, Begusarai in connection with Cheriabariyarpur P.S. Case No. 133 of 2017, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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