

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40092 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Rakesh Kumar @ Rakesh Kumar Yadav Son Of Raghubans Rai R/O Village-
Gyasudinpur, Tola Kalyan, P.S.- Gaighat, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-11-2022 Heard Mr. Prabhat Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Singh, learned APP for the State.

It is submitted on behalf of the petitioner that earlier,
the petitioner had filed regular bail application vide Criminal
Miscellaneous No. 67579 of 2021 which was disposed of as
withdrawn vide order dated 10.05.2022 as one criminal case
was not mentioned in paragraph no. 3 of the said bail
application.

An opportunity was given to the petitioner to file
fresh application without suppressing any fact on affidavit and
he was given liberty to utilize the certified copy of the
impugned order to avoid any further delay.

The present application has been filed in the light of



the said order making prayer for bail in connection with Gaighat P.S. Case No. 131 of 2021 dated 25.03.2021 for offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a)/36/41(1) of the Bihar Prohibition and Excise Amendment Act, 2018.

Prosecution case in brief is that altogether 168.075 litres of illicit liquor was recovered from one container and one Bolero vehicle bearing Registration No. NL01AB-3168 and BR06PE-2107 respectively. However, one Alto car escaped. Altogether total 15 persons have been made accused out of which driver and owner of the Alto car managed to escape from the spot.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner rather he has been made accused in the present case due to dirty village politics. He further submits that he has no concern with the said vehicle which were seized on the spot. Petitioner is in custody since 29.09.2021. He further submits that other co-accused persons named in the F.I.R. have already been released on bail by a co-ordinate bench of this Court.

Learned A.P.P., for the State has vehemently opposed



the prayer for grant of bail to the petitioner.

Having considered the facts and circumstances of the case and having perused the allegation made in the F.I.R., nothing has been recovered from the conscious possession of the petitioner, petitioner is in custody since 29.09.2021 and there is no likelihood of trial being concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lakh) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, Bihar in connection with Gaighat P.S. Case No. 131 of 2021 dated 25.03.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall



take steps to cancel his bail bond.

(Purnendu Singh, J)

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