

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46163 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- KOCHAS District- Rohtas

RAJA KUMAR @ RAJA GUPTA S/o Sanjay Sah Resident of Village-
Kochas, Ward No.4, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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 in virtual mode.

The petitioner seeks bail in connection with
Kochas (Parsathua O.P.) P.S. Case No. 141 of 2022 registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 103.68 litres foreign liquor and 36 litres of country made
liquor from the car in question. The petitioner is alleged to be
driver of the said car.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.05.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner being a driver he has no knowledge what is kept inside the car. There is no compliance of Section 100 of the Cr.P.C.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge-cum-Exclusive Special Excise Court – II, Rohtas at Sasaram in connection with Kochas (Parsathua O.P.) P.S. Case No. 141 of 2022, 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)

amitkr/-

U		T	
---	--	---	--

