

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47622 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- BENIPATTI District- Madhubani

RAJVEER KHATWE @ RAJVEER KHATBE Son of Jivachh Khatve R/v-
Uta, P.S- Saharghat, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 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 court proceeding.

The petitioner seeks bail in connection with
Benipatti P.S. Case No. 97 of 2022 registered for the offences
punishable under Sections 272, 273 of the I.P.C. and Section
30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 90 litres of nepali liquor from the motorcycle in question of
the petitioner. The petitioner is apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.04.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that from seizure list it appears that the said illegal wine is recovered from road not from the conscious possession of the petitioner. Basically nothing has been recovered from conscious possession of the petitioner and he has been falsely implicated in this case.

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, keeping in view clean antecedent of petitioner, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge Excise Act Madhubani in connection with Benipatti P.S. Case No. 97 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)

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