

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46972 of 2022

Arising Out of PS. Case No.-284 Year-2021 Thana- BIDUPUR District- Vaishali

Rakesh Kumar @ Rakesh Kumar Singh, Son of Late Balmiki Singh, Resident of Village - Rahimapur (Pethiya), P.s.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Bidupur P.S. Case No. 284 of 2021 registered for the alleged offences under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution, total 2871.44 litres of India made foreign liquor was recovered from bushes. The petitioner and other co-accused person are said to have fled away from the spot on seeing the police party.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from his conscious possession and the petitioner was not apprehended from the spot. The bush/orchard in question does not belong to this petitioner and has got no concern with the allegedly recovered liquor. The petitioner has been made accused in this case merely on account of his previous antecedents. Similarly placed co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.04.2022 passed in Cr. Misc. No. 8378 of 2022. The petitioner is in custody since 22.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in three other cases.

Having regard to the submissions made hereinabove and considering the fact that the recovery has not been shown from this petitioner and the petitioner was not apprehended from the spot and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No.-I-cum-Additional District and Sessions Judge,



Hajipur, Vaishali in connection with Bidupur P.S. Case No. 284 of 2021 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

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

