

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47083 of 2022

Arising Out of PS. Case No.-367 Year-2022 Thana- ISLAMPUR District- Nalanda

Rahul Kumar Son Of Kapil Prasad R/O Village- Bandh Rasalpur, P.S.-
Islampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Binit Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Islampur P.S. Case No. 367 of 2022 for
the offences punishable under Sections 30(a), of the Bihar
Prohibition & Excise Amendment Act.

The police on a secret information conducted raid
at village Rasalpur and on search total 357.120 liters Indian
made foreign liquor was recovered from Kishan Bhawan. It
is further alleged that the police came to know that the illicit



liquor belong to the petitioner and one Kapil Prasad.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, the alleged recovery has been made from Kishan Bhawan, which is a public place accessible to all. He further submits that the petitioner having fair antecedent is in custody since 15.07.2022 and save and except the suspicion about the complicity of the petitioner, there is no cogent material available on the record.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the alleged recovery has been made from Kishan Bhawan, which is a public place accessible to all and neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his persons or possession and moreover, the petitioner having fair antecedent, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -IV cum Special Judge, Excise-II, Nalanda at Biharsharif in connection with Kanti P.S.Case No. 367 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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