

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58349 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- PATEPUR District- Vaishali

RAKESH SAH S/o- RAM PRASAD SAH Resident of Village- Murgiya
Chawk, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore(App.100)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 19-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 22.07.2021, seeks
regular bail in connection with Patepur P.S. Case No. 93 of 2021
registered for offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

Allegation is of recovery of 234 litres of different
brands of Indian made foreign liquor from ‘*dalan*’ of accused
persons namely, Bhairo Singh and Saroj Kumar. Petitioner has
been made accused on the basis of confessional statement of the
accused persons named in the FIR.

Learned counsel appearing on behalf of the petitioner



submits that only one case under Excise Act is pending against the petitioner in which he has already been released on bail. In the present case, recovery is from '*dalan*' of the co-accused persons namely, Bhairo Singh and Saroj Kumar, who have already been released on bail by a co-ordinate Bench of this Court. Petitioner was not apprehended on the spot. Nothing has been recovered from his personal possession. Petitioner is in custody since 22.07.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner, name of the petitioner has surfaced on the basis of confessional statement of accused persons, who have already been released on bail, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Patepur P.S. Case No. 93 of 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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