

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58538 of 2021

Arising Out of PS. Case No.-186 Year-2020 Thana- BIBHUTIPUR District- Samastipur

RAUSHAN KUMAR S/o Ram Pravesh Rai R/o village- Samartha, Ward No. 10, P.S.- Bibhutipur (Bibhuti Nagar), District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Special Excise P.S. Case No. 504 of 2020 arising out of Bibhutipur P.S. Case No. 186 of 2020 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 691 liters of foreign liquor from the house of the petitioner.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that according to the F.I.R. and seizure list, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the joint house of the petitioner. He further submits that the search and seizure was conducted in absence of the petitioner and his family members which is totally gross violation of Section 100 (4) of the Cr.P.C. As a matter of fact, the petitioner and his family members have been living outside the State for their livelihood since five years before the alleged occurrence. The petitioner has no concern with the alleged recovery. The petitioner is rotting in judicial custody since 24.08.2021.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II -cum- Special Judge (Excise), Samastipur in



connection with Bibhutipur P.S. Case No. 186 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

brajesh/-

(Rajesh Kumar Verma, J)

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