

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49213 of 2022

Arising Out of PS. Case No.-313 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Rakesh Sinha @ Girish Nandan @ Girish Nandan S/o Late Ravinandan Prasad
Resident of Village - Chiraiya, P.S.- Rampur, District - Gaya at present
Refugee Colony, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 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 Saharsa Sadar P.S. Case No. 313 of 2022
registered for the alleged offences under Sections 272, 273, 420
and 34 of the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition Act and Excise Act, 2018.

As per prosecution case, recovery of total 776.835
litres of India made foreign liquor was made from a pick-up
van. The petitioner was found hiding in the *dala* of the said
pick-up van who was apprehended by the police.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the petitioner has no concern with the vehicle or the recovery made from it. The petitioner is in custody since 23.04.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the clean antecedent of the petitioner along with his period of custody and the submission of charge-sheet, 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 Additional Sessions Judge-V-cum-Incharge Special Judge Excise, Saharsa in connection with Saharsa Sadar P.S. Case No. 313 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) 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)

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