

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52249 of 2022

Arising Out of PS. Case No.-10 Year-2019 Thana- NASRIGANJ District- Rohtas

RAJHANS SHAH SON OF LATE BHAGWAN SHAH R/O VILLAGE-
JAGDISHPUR, OJHA BAZAR, POLICE STATION- JAGDISHPUR,
DISTRICT- BHOJPUR (ARA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Nasriganj P.S. Case No. 10 of 2019 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 90 bottles each containing 180 ml of foreign liquor from the
motorcycle in question.

Learned counsel for the petitioner submits that FIR
is against unknown and name of petitioner surfaced in this case



during course of investigation in para no 53 of the case diary being owner of the seized motorcycle in question. Petitioner is in custody since 11.05.2022 and bears criminal antecedent of four cases of similar nature. He further submits that petitioner has no concern with the alleged recovered wine. Nothing has been recovered from the conscious possession of the petitioner. He also submits that seizure list has not been made as per law and there is no compliance of Section 100 of Cr.P.C. Petitioner is not apprehended on spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2 cum Additional District and Sessions Judge Rohtas at Sasaram, in connection with Nasriganj P.S. Case No. 10 of 2019 , subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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