

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52305 of 2022**

Arising Out of PS. Case No.-409 Year-2021 Thana- KOTWALI District- Munger

Rahul Kumar Son Of Sri Mukesh Yadav R/O Village- Shairpur, P.O.-  
Basudeopur, P.S.- Kotwali (BASUDEOPUR), Dist.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hemant Kumar Karan, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      11-11-2022                      Let the defect(s), if any, be removed within two  
weeks from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with  
Munger Kotwali P.S. Case No. 409 of 2022 lodged under  
Section 30(a)/32 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 1128  
liter liquor is subject matter of the present case.

Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence. He further  
submits that petitioner is in custody since 27.07.2022 having 4  
criminal cases pending against him and he is on bail in all the 4  
cases. He submits that charge sheet has already been filed in this

case. He further submits that recovery was not made from the conscious possession of the petitioner rather it was made from the accused Bittu Kumar.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, Excise-II, Munger in connection with Munger Kotwali P.S. Case No. 409 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of

furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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