

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51807 of 2022

Arising Out of PS. Case No.-448 Year-2022 Thana- MADHEPURA District- Madhepura

RAJESH KUMAR SON OF LATE UTTAM LAL YADAV R/V- SRIPUR
DAKHINWARI, WARD NO.-12, P.S.- MADHEPURA, DISTT.-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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 Excise
Act Case No. 226 of 2022, Madhepura P.S. Case No. 448 of
2022, registered for the offences punishable under Section
30(a)(c) of Bihar Prohibition and Excise (Amendment) Act,
2018.

As per prosecution case, there is alleged recovery
of 70.920 litres foreign liquor from car in question. Petitioner is
alleged to be driver cum owner of the said car and is
apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 16.05.2022 and bears no criminal antecedent. He further submits that nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in the case. There is no compliance of Section 100 of Cr.P.C.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-Vth-cum-Special Judge Excise-1, Madhepura in connection with Excise Act Case No. 226 of 2022, Madhepura P.S. Case No. 448 of 2022, 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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