

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53396 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- RAHIKA District- Madhubani

PHULKANT ROY, Son of Shyam Sunder Roy Resident of Village - Rahika,
Gudiatol, ward No. 16, P.S.- Rahika, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Learned counsel for the petitioner submits that
due to typographical error, it has been wrongly mentioned in
paragraph 14 of the petition that the petitioner is in custody
since 28.09.2021 whereas it should be 27.07.2022. Learned
counsel seeks permission to correct the same in course of the
day.

Permission is granted.

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 Rahika P.S. Case No. 136 of 2021 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information about petitioner and other co-accused persons bringing illicit liquor in a Tata magic vehicle. The said car was tried to be intercepted but the driver fled away with the vehicle and at a secluded place the petitioner and other co-accused persons fled away from the spot leaving behind their vehicle. On search of the vehicle, 525 liters of Nepali country made liquor was recovered.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and no recovery has been shown from him. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner is neither the owner nor the driver of the said vehicle seized by the police. The co-accused Shambhu Yadav has been granted bail vide order dated 02.03.2022 passed in Cr. Misc. No. 258 of 2022 by a Coordinate Bench. Charge sheet has been submitted in this case and the petitioner is in custody since 27.07.2022.



Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, 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 District and Sessions Judge-IIInd-cum-Special Judge, Excise, Madhubani in connection with Rahika P.S. Case No. 136 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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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