

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53687 of 2022

Arising Out of PS. Case No.-406 Year-2022 Thana- NAUBATPUR District- Patna

RAJEEV KUMAR, Son of Late Raj Kumar Gupta, Resident of Village -
Balmi, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate

For the Opposite Party/s : Mr. Umesh Lal, A.P.P.

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.

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 Special Excise Case No. 931 of 2022 arising
out of Naubatpur P.S. Case No. 406 of 2022 registered for the
alleged offences under Section 30(a) and 41 of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received information
about transportation of illicit liquor by an Alto car. The said car
was intercepted and the petitioner and the co-accused were
apprehended from the said car. On search, total 97.17 liters of
illicit foreign liquor was recovered from the said car.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and the petitioner has no concern with the allegedly seized liquor or seized vehicle. Learned counsel further submits that the petitioner was just a passenger in the said car and he had also paid a fare for the same while he was returning after attending the last rites of his friend's father. Charge sheet has been submitted in this case and the petitioner is in custody since 24.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got three criminal cases against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that charge sheet has been submitted 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 Special Excise Judge, Danapur, Patna in connection with Special Excise Case No. 931 of 2022 arising out of Naubatpur P.S. Case No. 406 of 2022, subject to the



conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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