

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63753 of 2021

Arising Out of PS. Case No.-290 Year-2020 Thana- PHULWARIYA District- Gopalganj

RAKESH KUMAR NIGAM Son of Sawyer Singh Resident of Village-
Gowardhan, P.S.- Gowardhan, District- Mathura (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on the vehicle of the accused persons being stopped for search, it is stated that one of the accused managed to escape while the driver of the vehicle was caught. On search 200.37 litres of liquor was recovered and the accused was caught who disclosed that the accused who had managed to escape was the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Neither he was arrested at the spot nor any incriminating article has been recovered from his possession. He is in custody since



18.9.2021 and chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner not having been arrested at the spot, the petitioner is directed to be enlarged on bail in connection with Phulwariya P.S. Case no. 290 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Gopalganj on the following conditions:

(I) One of the bailors of the petitioner shall be a close relative of the petitioner.

(II) The other bailor of the petitioner shall be resident of a place within the jurisdiction of the learned trial court.

(Partha Sarthy, J)

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