

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63650 of 2021**

Arising Out of PS. Case No.-140 Year-2021 Thana- ROH District- Nawada

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DWARIKA RAJBANSHI @ DWARIKA RAJWANSHI Son of Lakhan
Rajwanshi Resident of Village - Bhupesh Nagar, P.S.- Roh, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Advocate.

For the Opposite Party/s : Mrs. Asha Devi, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 05-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Roh P.S. Case No. 140 of 2021 for the offence punishable under
Sections 30(a)(d) and 41 of the Bihar Prohibition and Excise
Act.

The allegation is of recovery of 6000 litres of raw
mahua and jaggery. Suspicion is that the same was kept for



brewing illicit liquor. There is recovery of 20 litres of country made liquor as well. Altogether eight accused persons were arrested and other accused persons managed to flee away.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been dragged in the present case merely on the basis of suspicion made by the local chaukidar. That apart, nothing has been recovered from conscious possession of the petitioner. He was not apprehended on the spot. He further submits that co-accused named in the F.I.R. have already been released on bail vide order dated 10.03.2022 passed in Cr. Misc. No. 60877 of 2021. Petitioner's case is on better footing and he is in custody since 25.08.2021. Hence the petitioner also deserves to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by



the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.50,000/- (Rupees fifty thousand)** with two sureties of the like amount each to the satisfaction of the learned ADJ-II cum Special Judge, Excise Act, Nawada in connection with Roh P.S. Case No. 140 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) **The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will**



automatically loose its force.

(Purnendu Singh, J)

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