

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63502 of 2021**

Arising Out of PS. Case No.-629 Year-2021 Thana- KAHALGAON District- Bhagalpur

RAKESH KUMAR, Son of Bhagwan Mandal Resident of village - Pakki Saray, P.S.- Ghogha, Distt.- Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 29-04-2022 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with Kahalgaon (Ghogha) P.S. Case No. 629 of 2021, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 & Amendment Act, 2018.

The allegation is recovery of 25 litres of country made liquor from the possession of petitioner, which was being carried by the petitioner on motorcycle bearing registration No. BR-10X-5698.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the alleged



motorcycle from which 25 litres of country made liquor is said to be recovered does not belongs to the petitioner. The petitioner has clean antecedent and he is in custody since 18.09.2021.

Smt. Asha Devi, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that it would not be in the interest of the society to release the petitioner on bail as after consuming country made liquor hooch tragedy is rampant in the State of Bihar.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 3,00,000/- (Rs. Three Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge (Excise Act), Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 629 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.

(Purnendu Singh, J)

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