

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65885 of 2021

Arising Out of PS. Case No.-125 Year-2021 Thana- BIKRAM District- Patna

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Kaushal Kumar, S/o Ramadhar Yadav Residence of Village- Naghar, P.S.-
Bikram, District- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-05-2022 Mr. Amrit Kumar, Advocate informs that Mr. Rahul Kumar, learned counsel for the petitioner is unwell and he has been instructed to assist this Court.

Heard Mr. Amrit Kumar, Advocate who is representing the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Special Case No.4297 of 2021 (Bikram P.S. Case No.125 of 2021) registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police officials on patrolling duty got information that some accused persons are engaged in liquor business near the brick factory of Subodh



Yadav. The police raided the spot but the accused persons managed to escape. However, from the bushes of the said open field, 204.525 liters of foreign liquor was found abandoned. The same was seized and FIR was lodged. The locals gave the names of the accused persons which included the petitioner herein. This way he came into judicial net and is in jail since 30.09.2021 (as stated in para-12 of the bail application).

Mr. Amrit Kumar, Advocate submits that neither the brick factory belongs to him nor he was engaged in the said liquor business. He was not even arrested from the spot but only because the locals gave some names, he was dragged in the present case.

This Court finds that the alleged seizure was made from the bushes, the petitioner has not been arrested from the spot and his name has cropped up on the basis of the names given by the locals, is in jail since 30.09.2021 and the charge sheet has been submitted. Thus this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(fifteen thousand) with two sureties of the like amount each in connection with Special Case No.4297 of 2021 (Bikram P.S. Case No.125 of 2021) to the satisfaction of



learned Special Excise Judge, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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