

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59900 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- WAJIRGANJ District- Gaya

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Raushan Kumar Son Of Naresh Saw @ Bhagat Saw @ Bhagat Ji Resident of
Village- Tarwa, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deep Nishi, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Wazirganj P.S. Case No. 159 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, pursuant to a tip off received by the police, a raid was conducted in the house of the co-accused Rajia Devi and recovery of 10 litres of countrymade mahua liquor was made. While the police party proceeded further near the house of the petitioner, co-accused Raushan Kumar was apprehended and from his possession 20.25 litres of India made foreign liquor was recovered from a school bag being carried by him. This co-accused Raushan Kumar named



the petitioner as the person who gave him this illicit liquor for consumption in a marriage ceremony.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been roped in this case merely on the basis of confessional statement of co-accused Raushan Kumar who was arrested with the illicit liquor. The petitioner is in custody since 20.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having one criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the period of custody along with submission of charge-sheet against him, 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 Exclusive Special Court Excise-I, Gaya in connection with Wazirganj P.S. Case No. 159 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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