

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57192 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- DINARA District- Rohtas

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Rajesh Kumar @ Atm S/O Gajendra Singh, Resident of village- Sorathi, P.S.-
Dinara, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dinara P.S. Case No. 154 of 2022 registered for
the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, during regular checking of
vehicle, a car was intercepted by the police after chase. The
petitioner and the co-accused left the car and fled away from the
spot. The petitioner and co-accused persons were identified by
the local Chowkidar. Recovery of 163.605 liters of India made



foreign liquor was made from the said car.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the allegedly seized liquor. The petitioner was not apprehended from the spot. The petitioner has been named in the F.I.R. on the basis of disclosure made by a local chowkidar who had claimed to have identified the petitioner in dim light at night. The petitioner is in custody since 10.08.2022 and charge-sheet has been submitted in this case. The petitioner is having criminal antecedents of six case and in all the cases he is on bail.

Learned APP opposes the prayer for bail submitting that the petitioner is of habitual offender and six criminal cases of similar nature are pending against him..

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with



Dinara P.S. Case No. 154 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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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