

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56876 of 2022

Arising Out of PS. Case No.-292 Year-2022 Thana- SHIVSAGAR District- Rohtas

Rahul Kumar Gautam, S/o- Vinit Singh, R/o Village- Bheriya, police Station-
Dehri (Town), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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 Shivsagar P.S. Case No. 292 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 Chevrolet Car was intercepted by the police and from
the said car recovery of 85.250 liters of India made foreign
liquor was made. The petitioner along with co-accused driver
Narayan Singh were apprehended and another co-accused
Gautam Kumar fled away from the spot.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, as the car of the petitioner was booked by co-accused Guatam Kumar for commuting from Dehri to Varanasi and while this car was returning from Varanasi, the petitioner boarded the car at Kudra. The petitioner has no knowledge about the consignment kept in the car. For this reason when the checking was made, the co-accused Gautam Kumar fled away and the petitioner remained there and was apprehended with the driver. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of this petitioner and he has no concern with the allegedly seized contraband. The petitioner is having clean antecedent and he is in custody since 28.06.2022. Charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge-sheet along with his clean antecedent, the petitioner above named 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
Excise Court No.2-cum-Additional District & Sessions Judge,
Rohtas at Sasaram in connection with Shivsagar P.S. Case No.
292 of 2022, subject to the conditions mentioned in Section
437(3) of the Cr.P.C. and 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 for 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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