

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.69666 of 2021**

Arising Out of PS. Case No.-180 Year-2021 Thana- BARGAINIA District- Sitamarhi

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RUPESH RAI @ RUPESH KUMAR Son of Gajendra Yadav Resident of  
Village Masaha Alam Police Station - Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mrs.Sangeeta Sharma

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      11-03-2022                      Heard learned counsel for the petitioner and learned  
  
Additional Public Prosecutor for the State in virtual court  
  
proceeding.

Let the defects, as pointed out by the office, be  
  
removed within four weeks of start of normal functioning of the  
  
physical court.

Petitioner seeks bail in connection with Bairgania P.S.  
  
Case No. 180 of 2021 registered for the offences punishable  
  
under Sections 30(A)(C) of Bihar Prohibition and Excise Act,  
  
2016.

There is recovery of 161.40 litres of illicit Nepali  
  
liquor.

Learned counsel for the petitioner submits that  
  
petitioner has falsely been implicated in the present case. He



further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the Jute bag. He further submits that petitioner has no concern with the alleged recovery and the jute bag. He further submits that petitioner was not apprehended at the spot and the name of the petitioner has come only on the basis of disclosure made by the local chowkidar. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 05.10.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II cum Special Judge, Excise Act, Sitamarhi in connection with Bairgania P.S. Case No. 180 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

shahzad/-

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