

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3038 of 2023

Arising Out of PS. Case No.-152 Year-2022 Thana- HASANPUR District- Samastipur

Rahul Kumar @ Rahul Kumar Ray S/O Ram Badan Ray @ Bholi Ray R/O
Village- Sasan, P.S.- Hasanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
	:	Smt. Divya Bharti, Advocate
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with Hasanpur
P.S. Case No.152 of 2022 registered for the offence under
Sections 30(a) and 41(i) (ii) of the Bihar Prohibition and Excise
Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 10.10.2022.

The allegation against the petitioner is to have in possession of 2790 litres of IMFL (Indian Made Foreign Liquor) alongwith other co-accused persons and also involved in illegal trading of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and as such it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is further submitted that petitioner is neither owner nor driver and found not connected in any manner with alleged recovered illicit liquor, where he was named in this case merely out of suspicion of local chowkidar, as petitioner found involved in ten more criminal cases, where he is on bail. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that petitioner was not apprehended on spot.

In view of the facts and circumstances as mentioned



above as alleged illicit liquor not appears to be recovered from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.10.2022, let above named petitioner is directed to be released on bail in connection with Hasanpur P.S. Case No.152 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court 1, Samastipur/concerned court, subject to the following conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner duly supported by
the documents.

(iii) That one of the bailors shall be
deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

