

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13616 of 2023

Arising Out of PS. Case No.-209 Year-2020 Thana- SULTANGANJ District- Patna

Raushan Kumar Son Of Mahesh Prasad R/O Village- Bazar Samiti,
Panchwati Nagar, P.S.- Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
14.12.2022 in connection with Special Case No. 5142 of 2020
arising out of Sultanganj P.S. Case No. 209 of 2020, F.I.R. dated
02.09.2020 for the offences punishable under and Section 30(a)
of the Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of 3.75 liters of wine.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.



as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused, namely, Solger. He further submits that the petitioner has been implicated in the present case merely on the ground that the petitioner has previous criminal antecedent of the similar nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.12.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one.

Considering the aforesaid facts and circumstances and the nothing has been recovered from the possession of the petitioner, 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 Special Judge Excise, Patna City in connection with Special Case No. 5142 of 2020 arising out of Sultanganj P.S. Case No. 209 of 2020, 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)

Vanisha/-

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

