

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17166 of 2023

Arising Out of PS. Case No.-617 Year-2022 Thana- DANAPUR District- Patna

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RAHUL KUMAR S/O BEJNATH SAW @ BAIJNATH SAH RESIDENT OF
VILLAGE- MANER BALUPAR, P. S.- MANER, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Shahpur P.S. Case No. 671 of 2022 dated 13.12.2022
registered for the offence under Sections 30(a), 41 and 56 of
the Bihar Prohibition and Excise Act. .

Recovery is of 45 liters of country made liquor.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case merely
on the basis of suspicion. He further submits that the
allegation, as alleged in the F.I.R, is false and fabricated. He
further submits that it appears from the F.I.R. and the



seizure list that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the scooty in question. He further contends that the petitioner has no concern at all with the alleged recovery and the scooty in question. He further contends that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Excise Judge, Danapur in connection with Special Excise Case No. 2266 of 2022 arising out of Shahpur P.S. Case No. 617 of 2022 in connection with 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

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)

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