

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26659 of 2023

Arising Out of PS. Case No.-396 Year-2021 Thana- RAMNAGAR District- West Champaran

RAJESH RAUT @ BABLI S/O LATE RAJENDRA RAUT Resident of
Village- Eana Kalbhari Choti Talab, P.S.- Jharia, District- Dhanbad, State-
Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Mishra, Adv.

Mr. Vijay Bardhan Pandey, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 20-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since
14.02.2023 in connection with Ramnagar P.S. Case No.396/2021,
dated 19.11.2021, for the offences punishable under Sections 30(a)
& 33 of Bihar Prohibition and Excise Act, 2016.
3. According to prosecution case, total 4200 litres of
spirit has been recovered form the truck in question.
4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the name of the petitioner has been transpired
on the basis of confessional statement of co-accused namely Imran
Khan @ Chand and Nitish Kumar Barnwal. Thereafter self



confessional statement of the petitioner was recorded. It appears from the F.I.R. that nothing has been recovered from conscious possession of the petitioner and the petitioner is neither the owner nor the driver of the truck in question. He further submits that except the confessional statement of the co-accused persons and self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Imran khan @ Chand and Nitish Kumar Barnwal have been granted bail by this Court vide order dated 06.08.2022 passed in Cr. Misc. No.30049/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in both the cases.

6. 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 Excise Court, Bagaha, West Champaran in connection with Ram Nagar P.S. Case No. 396/2021, 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)

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