

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35580 of 2023

Arising Out of PS. Case No.-203 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

RAJESH RAI @ RAJESH SINGH son of Mokhtar Mahto Village- Lakho
Jafar Tola, Ps- Muffasil Lakho Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Muffasil
(Lakho) P.S. Case No. 203 of 2023 registered for the offences
punishable under Section 120(B) of the Indian Penal Code and
Section 30(a), 32, 52 of Bihar Prohibition and Excise
(Amendment) Act.

As per prosecution case, 1103.04 liter foreign liquor
was recovered from the Pickup van in question and petitioner
being driver of the said Pickup van apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody 09.04.2023 and bears no criminal
antecedent. He further submits that petitioner is quite innocent



and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Learned Exclusive Special Judge, Excise-1, Begusarai in connection with Muffasil (Lakho) P.S. Case No. 203 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

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