

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41650 of 2023

Arising Out of PS. Case No.-409 Year-2023 Thana- GARDANIBAG District- Patna

Rahul Kumar, Male, aged about 27 years, S/o Bharat Kumar, R/o Village-Bankipur Gorakh, P.S. Fatuha, Dist.-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vinay Kumar, Advocate

For the Opposite Party : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Gardanibagh P.S. Case No. 409 of 2023/ Spl. Case No. 4525 of 2023 dated 25.05.2023, instituted for the offence punishable under Sections 30(a) & 36 of the Bihar Prohibition Excise (Amended) Act, 2018.

3. Allegation is of recovery of 63 liter foreign liquor from white colour Maruti bearing registration No. BR-IF-5709 and 90 liter foreign liquor from Wagon-R bearing No. BR-03L-7451.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. He neither has any concern with the recovered liquor nor



with the vehicles from which recoveries has been made. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner has not been arrested from the seized vehicles but his arrest was made merely on the basis of suspicion from the crowd. Lastly, it has been submitted that the petitioner is in custody since 26.05.2023, charge-sheet has been submitted in the case he has one criminal case against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Spl. Excise Judge, Patna in Gardanibagh P.S. Case No. 409 of 2023, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood



relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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