

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51998 of 2023

Arising Out of PS. Case No.-1070 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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RAUSHAN KUMAR RAVI SON OF HIRALAL YADAV RESIDENT OF
VILLAGE - SARAIGARH, P.S. - BHAPTIYAH, DISTRICT - SUPAUL,
STATE - BIHAR - 852105

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Excise Patna P.S. Case No. 1070 of 2023 for the offence punishable under Sections 30(a) & 56(b) of the Bihar Prohibition and Excise Act lodged on 2.7.2023 by the informant, Sunil Kumar.

As per the prosecution story, the police intercepted and searched a Verna car, the driver tried to escape but apprehended along with another person sitting in it and on search 100 ml. bottles of cough syrup totalling 161.300 liters were recovered followed by the FIR.

Learned counsel for the petitioner submits that he does not own the vehicle, he was asked to carry the passengers



and has been implicated and is in jail since 3.7.2023 (para-12 of the petition).

Learned APP opposes the prayer stating that he was driver of the vehicle and cannot exonerate himself from the allegation though he concedes that codeine part in the cough syrup is below the commercial quantity.

Taking into account the submission put forward by the learned counsel for the petitioner and the period of custody, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge cum Special Judge-Excise, Patna, in connection with Excise Patna P.S. Case No. 1070 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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