

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52348 of 2023

Arising Out of PS. Case No.-489 Year-2022 Thana- RAHUI District- Nalanda

RAHUL KUMAR SON OF BHARAT KUMAR RESIDENT OF BANKIPUR
GORAKH, POLICE STATION - FATUHA, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2023

Heard the parties.

The petitioner is in custody in connection with Rahui P.S. Case No. 489 of 2022 for the offence under sections 420, 467, 468, 471, 120 of the Indian Penal Code and 30(a)/32 (ii) (iii)/36/41 (I) (ii) of the Bihar Prohibition and Excise Act lodged on 12.09.2022 by the informant, Nandan Kumar Singh.

As per the prosecution story, the vehicle was intercepted and 661.180 liters English wine was recovered/seized. Sikandar Ansari and Vikash Singh were apprehended. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that his name has come in the confessional statement of Md. Sikandar Ansari who was arrested from the spot and both the accused persons who were apprehended alongwith the materials namely,



Sikandar Ansari and Vikash Singh have since been released on bail by a co-ordinate Bench vide Cr. Misc. No. 66680 of 2022 (Annexure-2 to the petition), he is in custody since 07.07.2023 (as stated in paragraph 8 of the petition).

Learned APP vehemently opposes the prayer for bail stating that he has criminal antecedent.

Taking into account the aforesaid facts as also that the two accused persons with whom the materials were recovered/seized have since been released on bail, as stated above and the name of the petitioner has come in the confessional statement, is in custody since 07.07.2023, 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) each with two sureties of like amount each to the satisfaction of learned 4th Additional District and Session Judge cum Special Judge Excise II, Nalanda, in connection with Rahui P.S. Case No. 489 of 2022 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/her 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 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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