

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54069 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- MADANPUR District- Aurangabad

RAKESH KUMAR @ RAKESH KUMAR SINGH S/o Krishna Singh
Resident of Ishapur, P.S.- Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 25-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 272, 273, 304 of the Indian Penal Code and Section 30(a), 37 of the Bihar Prohibition and Excise Act.

As per the prosecution case, the police received confidential information that the co-accused persons namely Shyam Thakur, Lakhan Choudhary and DCM Choudhary used to sell illicit liquor and one Sanjay Das died after consuming



liquor from their shop. During investigation the said co-accused persons stated that the liquor was supplied by the co-accused Ajay Rikiyasan.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. He has submitted that there is no recovery from the conscious possession of the petitioner. The petitioner is not named in the FIR. He has submitted that the co-accused Shiv Kumar has already granted bail by the Co-ordinate Bench of this court vide order dated 16.12.2022 in Cr. Misc No. 66609 of 2022. Learned counsel has further submitted that the name of the petitioner has transpired in this case on the confessional statement of the co-accused Ajay Rikiyasan. No case is made out under Excise Act against the petitioner. The petitioner is accused in five other criminal cases which are related to Excise Act as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances as well as the material available in the case diary, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on



furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Aurangabad in connection with Madanpur P.S. Case No. 236 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

2. If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

This application stands allowed.

(Chandra Prakash Singh, J)

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