

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58135 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- GORIAKOTHI District- Siwan

Rakesh Kumar Son Of Rameshwar Chauhan @ Ramashray Mahto @
Ramashray Chauhan R/O Village- Mustafabad, Ps. Goreakothi, Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Goreakothi P.S. Case No. 193 of 2023 dated 03.07.2023
instituted for the offence punishable under Sections 30(a) of
Bihar Excise Act, 2016.

3. Allegation is of recovery of 3 pieces of Officer
Choice, foreign liquor containing 540 ml from a bag which was
thrown by the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. On perusal of F.I.R. 540 ml. foreign liquor has been
recovered from a place of Mustafabad. No incriminating articles
have been recovered from the conscious possession of the



petitioner. Lastly, it has been submitted that one criminal case against the petitioner.

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, in the event of arrest / surrender of the petitioner within a period of six week from today, in connection with Goreakothi P.S. Case No. 193 of 2023, he will be released on anticipatory 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 Exclusive Special Excise Court No. 1, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also 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 canceled 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)

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