

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58630 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- GANGABRIDGE District- Vaishali

Rajesh Kumar Son Of Awadhesh Kumar Singh @ Awadhesh Rai Resident Of
Village- Shahdullahpur, P.S- Ganga Bridge, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Gangabridge P.S. Case No. 147 of 2023 dated 10.07.2023,
instituted for the offence punishable under Sections 30(a) of
Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 324.50 litres of
liquor kept in a carton behind the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered
either from the possession or from the house of the petitioner
rather the recovery was made from the PCC road which was far
away from the house of petitioner. It is further submitted that the



petitioner has been made accused in the present case only on the basis that alleged PCC road is behind the house of the petitioner. It is further stated that another co-accused, namely, Chunnu Kumar @ Baba has already been granted bail by a Co-ordinate Bench of this Court *vide order dated 25.08.2023 passed in Criminal Miscellaneous No. 56026 of 2023* and co-accused, namely, Mukul Kumar has also been granted bail by a Co-ordinate Bench of this Court *vide order dated 17.08.2023 passed in Criminal Miscellaneous No. 52983 of 2023*. Lastly, it has been submitted that the petitioner has two criminal cases 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, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Gangabridge P.S. Case No. 147 of 2023, he shall 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 cum Additional District and Sessions Judge, Vaishali at Hajipur, subject to condition as



laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. 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.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. 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.

4. 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)

Sankalp/-

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