

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57168 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- NAUTAN District- West Champaran

Rahul Kumar S/O Manoj Patel R/O Village- Nautan High School, Ps. Nautan,
Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.07.2023 in connection with Nautan P.S. Case No. 268 of
2023, F.I.R. dated 05.07.2023 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, recovery of total
43.2 litres foreign liquor has been made from the possession of
the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from the
bare perusal of the F.I.R. and seizure list, it appears that no
incriminating article has been recovered from the conscious



possession of the petitioner and further recovery has been made from the vehicle in question. He further submits that altogether 43.2 illicit liquor was recovered from the motorcycle of the petitioner and the motorcycle belongs to one Rakesh Kumar. He further submits that there is non-compliance of Section 100 of the Cr.P.C. The petitioner is in custody since 05.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Bettiah, District – West Champaran, in connection with Nautan P.S. Case No. 268 of 2023, subject 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 shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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