

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60334 of 2023

Arising Out of PS. Case No.-565 Year-2023 Thana- MALSALAMI District- Patna

RAHUL KUMAR @ RAHUL SINGH RANA Son of Raju Prasad
RESIDENT OF MOHALLA BADI NAGLA PS MALSALAMI DISTRICT
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Malsalami P.S. Case No. 565 of 2023 for the offence under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2022 lodged on 08.08.2023 by the informant, Akhilesh Kumar.

3. As per the prosecution story, the allegation is that the Police upon information, intercepted accused persons. The petitioner apprehended and the others managed to escape after throwing two jute bags. Upon search, 72 liters foreign liquor recovered/seized. This followed the arrest, FIR.

4. Learned counsel for the petitioner submits that he was a passer-by, the accused persons on the sight of the Police



fled away leaving the jute bags and the Police attributed it to him, he is a student and is in custody since 09.08.2023 (as stated in paragraph 13 of the petition).

5. Learned APP opposes the prayer for bail stating that he has criminal antecedent of the same nature.

6. Taking into account the submissions put forward by the parties, the facts on record and his period of custody i.e. 09.08.2023, this Court is inclined to extend him the privilege of bail but only after framing of the charge in view of the fact that he has criminal antecedent.

7. Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Spl. Judge, Excise, Patna City, in connection with Malsalami P.S. Case No. 565 of 2023 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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