

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63162 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- RAJPUR District- Rohtas

Raushan Kumar, son of Jitendra Kumar Singh @ Jitendra Singh, resident of
Village- Baharar, P.S.- Sasaram (M), Distt- Rohtas, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with
Rajpur P.S. Case No. 133 of 2023 registered for the offence
punishable under Sections 414 of the Indian Penal Code and 30(a) of
the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner named in the FIR and is in
custody since 20.07.2023.

4. Allegation against the petitioner is to involve in illegal
trading/activities of illicit liquor which is prohibited in the State and
while doing so, found in possession of 70 liters of illicit liquor.

5. It is submitted by learned counsel appearing on behalf
of the petitioner that recovery of alleged illicit liquor was made from
the jointly occupied motorcycle and as such it cannot be said that
recovery of illicit liquor appears to be made from conscious physical
possession of the petitioner. It is also submitted that petitioner is not



connected with motorcycle in any manner. While concluding argument, it is submitted that petitioner found involved in two more criminal cases where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, and by taking note of the fact as recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.07.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2-cum- Additional District and Sessions Judge, Rohtas at Sasaram in connection with Rajpur P.S. Case No. 133 of 2023, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Sanjeet/Rajeev-

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