

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60392 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- RAHIKA District- Madhubani

RUSTAM ALI SON OF MD. MAZLUM MUFTI MOHALLA P O
LALBAGH P S TOWN DARBHANGA DISTRICT DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anju Jha, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 28.06.2023 in connection with Rahika P.S. Case No. 133 of 2023 for the offence punishable under Sections 272, 272, 414, 34 of the IPC lodged on 28.06.2023 by the informant Rahul Kumar.

3. As per the prosecution story, the allegation is that the police intercepted, the accused person carrying plastic bag in the motorcycle and further allegation is that the bag that was being carried by this petitioner, 43.200 liters of Nepali liquor was recovered/ seized. This led to lodging of the FIR.

4. It is the case of the petitioner that nothing has been recovered from the conscious possession, the police has attributed this bag to them, has remained in custody since



28.06.2023 (as stated in paragraph 17 of the bail petition) though she concede that he has criminal antecedent of the same nature.

5. Learned APP opposes the prayer stating that a bare perusal of paragraph 3 would show that he has number of criminal cases under his belt.

6. Taking into account the submission put forward by the learned counsel for the parties, the materials on record and the period of custody, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani, in connection with Rahika P.S. Case No. 133 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 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 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;

(iv) 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)

Jagdish/Jyoti/-

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