

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60702 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- GANGABRIDGE District- Vaishali

Rakesh Kumar, Gender- Male, aged about 23 years, Son of Nanhak Rai @ Shiv Narayan Rai Resident of Village- Lodipur Chakwara, P.S.- Hajipur Town in the District of Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ranjeet Kumar, Adv.
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Ganga Bridge PS Case No. 165 of 2022, registered for the offence punishable under Sections 467, 468, 471 and 420 of the Indian Penal Code Sections and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 4465.440 liters of Indian Made Foreign liquor from a truck. The petitioner has been arrested as being one of the persons, who was fleeing away.

Learned counsel for the petitioner submits that the petitioner has no concern with the truck or the contents thereon. He was in the vicinity and has become a victim of the circumstance. He has remained in custody since 10-07-2022 and other person, similarly situated as the petitioner, namely, Sanjeev Kumar has been granted bail in Cr. Misc. No. 58512 of 2022. The petitioner is stated to be on



bail in Hajipur Excise PS Case No. 86 of 2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Act) Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Ganga Bridge P. S. Case No. 165 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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