

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61505 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- Excise P.S. District- Vaishali

Raushan Kumar S/O Ram Dayalrai R/O Hilalapur, Ward No. 9, P.S- Industrial
Area, Hajipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopesh Raj

For the Opposite Party/s : Ms.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-10-2023 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 30(a), 32(1)(iii), 41(ii)
and 41(1) of the Bihar Prohibition and Excise Act.

3. 120 litres of country made *Chulai* liquor has been
recovered from one motorcycle bearing registration no.
BR01FA-3783. One person was apprehended who disclosed the
name of this petitioner who fled away from the place of
occurrence.

4. It is submitted by the counsel for petitioner that
petitioner was neither apprehended on the spot nor any
incriminating article has been recovered from his conscious
possession. Petitioner has got no criminal antecedent, as stated



in para 3 of the petition.

5. Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case and the fact that there is no recovery from conscious possession of the petitioner, let the above-named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge Court No. 2, Vaishali at Hajipur-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Excise Hajipur P.S. Case No. 309 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure; subject to the further conditions that:

(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. He will also undertake to



inform the Court if there is any change in the address of the petitioner.

(ii.) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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