

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59493 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

Rakesh Choudhary @ Rakesh Kumar Son of Mahendra Choudhary Resident
of Village - Khanda, P.S.- Sasaram (Muffasil), District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Sasaram (Muffasil) P.S. Case No.222 of 2021, registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation, 4806 liters of foreign liquor has
been recovered from a truck bearing Registration No. UP-
72T-1637.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to village politics. He further submits that nothing



has been recovered from the conscious possession of the petitioner. He also submits that the petitioner has not been arrested on the spot. He also submits that the petitioner has nothing to do with the alleged recovery of liquor.

He further submits that the petitioner has been languishing in jail since 13.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Court no.2-cum- Additional District and



Sessions Judge, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No.222 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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