

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62883 of 2022

Arising Out of PS. Case No.-560 Year-2022 Thana- MASAUDHI District- Patna

RAKESH KUMAR Son of Siyasharan Prasad @ SIYASHARAN YADAV
R/O village- Badribigha, P.S Masaurhi, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Thakur (Sr. Adv.)
	:	Ms. Vaishnavi Singh
For the Opposite Party/s	:	Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Masaurhi P.S. Case No. 560 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 130.875 liters foreign liquor besides the Khatal near bush (Jhari) of co-accused Vicky Kumar. Petitioner and others are apprehended on spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 28.08.2022. Petitioner bears five criminal antecedents of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits nothing has been recovered from the conscious possession or personal possession of the petitioner. Seizure list has not been made as per law. Petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Masaurhi P.S. Case No. 560 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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