

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64563 of 2023

Arising Out of PS. Case No.-293 Year-2023 Thana- RAJPUR District- Buxar

Rajesh Kumar, S/o Late Gopi Sah R/O Village- Jalilpur(Sonpa), P.S- Rajpur,
Distt.- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the State : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rajpur P.S. Case No. 293 of 2023, lodged on 06.08.2023 under
Sections 30(a) and 37(ii) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution case, total recovery of 18.
800 litres of illicit liquor is the subject matter of the present
case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the alleged recovery has been made from a temple which is
a public place. In fact, the petitioner has been apprehended
under the conspiracy and he is in custody since 07.08.2023.



Apart from the present case, the petitioner is accused in four more criminal cases in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that at the time of passing order of bail his antecedent may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.1, Buxar in connection with Rajpur P.S. Case No. 293 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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