

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64964 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- KALYANPUR District- Samastipur

Roshan Kumar @ Raushan Kumar, S/O Late Nand Kishore Ray, R/O Village-
Hajpurwa, Ward No-11, P.S- Chakmehsi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

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

The petitioner seeks bail in connection with
Kalyanpur P.S. Case No.289 of 2022 registered for the offence
punishable under Sections 419, 420, 467, 468, 471 of the I.P.C.
and Sections 30(a), 32(i)(2) and 41(i) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

There is alleged recovery of 174.450 litres illicit
liquor from the vehicle. Petitioner was allegedly apprehended
while fleeing away from the vehicle.

Learned counsel for the petitioner submits that it is a
case of false implication. The petitioner has no concern with the



recovered vehicle or the illicit liquor and he is in custody since 16.09.2022. Earlier in similar way, he was implicated in another case under the Excise Act, in which he has been allowed anticipatory bail.

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

Having regard to the manner of recovery, submissions advanced by the parties, period of custody, and the fact that investigation is complete, 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.

Accordingly, 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 Special Excise Court-1, Samastipur, in connection with Kalyanpur P.S. Case No.289 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.

(Madhuresh Prasad, J)

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