

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69623 of 2022

Arising Out of PS. Case No.-216 Year-2022 Thana- RAGHUNATHPUR District- Siwan

GOVIND RAJBHAR, S/o Jai Bhagwan Rajbhar, R/v- Sohanpur, P.S.-
Bankata, District- Deoria, Uttar Pradesh

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 Today being Saturday, 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 Raghunath
Pur P.S. Case No. 216 of 2022 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Since 29.09.2022, the petitioner, having no antecedents, as
per assertion made in bail application, has been in custody for alleged
recovery of 129.600 litres illicit foreign liquor from a vehicle, in
which he is alleged to be seated.

Learned counsel for the petitioner submits that the
petitioner was not in the vehicle. The seizure list is in violation of
Section 100 Cr.P.C.. The further submission is that being near the
place of recovery, the petitioner has been implicated on suspicion.
Moreover, investigation is also complete and as such there is no



chance of tampering of evidence.

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

Considering the rival submissions and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

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 Exclusive Special Excise Court 2nd, Siwan, in connection with Raghunathpur P.S. Case No. 216 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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