

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65300 of 2022**

Arising Out of PS. Case No.-364 Year-2022 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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Rupesh Kumar Son of Upendra Yadav Resident of Village- Masti Fatehpur,  
P.S.- Mufassil(Lakho O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Yadav  
For the Opposite Party/s : Mr. Rajesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      20-01-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with  
  
Mufassil (Lakho O.P) P.S. Case No. 364 of 2022, registered  
  
for the offences punishable under Sections 30(a) of the  
  
Bihar Prohibition and Excise Act, 2016.

As per allegation, 30 liters of liquor has been  
  
recovered from a place near South Fatehpur Dhala.

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



the petitioner. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 11.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two 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 in the present matter.

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. Special Judge, Excise-I, Begusarai in connection with Mufassil (Lakho O.P) P.S. Case No. 364 of 2022 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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