

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68019 of 2022

Arising Out of PS. Case No.-726 Year-2021 Thana- MASAUDHI District- Patna

RAKESH KUMAR, S/o Mr. Siyasharan Prasad R/o Village- Badribigha, P.S.-
Masaurhi, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned APP for
the State.

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

Petitioner seeks bail in connection with Masaurhi P.S. Case No. 726 of 2021 registered under Sections 30(a) and 41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

From two vehicles, there is recovery of 362.88 litres illicit liquor. 10-15 persons started fleeing away from the place of recovery, where four persons have been apprehended leading to disclosure of the petitioner's name as one of the consignees of the illicit liquor.

It is submitted by the learned counsel for the petitioner that petitioner is not owner of the vehicles. The seizure memo is at variance with the FIR with respect to the place from where the liquor has been recovered. His implication is by inserting his name in the



statement of co-accused extracted in custody, on account of his five antecedents. He thus has remained in custody since 06.10.2022. Investigation is complete and co-accused persons, Naushal Kumar and Vicky Kumar, have been allowed bail in Cr. Misc. No. 54546 of 2022.

Learned APP has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, the period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in Masaurhi P.S. Case No. 726 of 2021, 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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