

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68237 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- JAGDISHPUR District- Bhojpur

RAHUL KUMAR S/o Sudhir Sharma @ Sudhir Mistri R/o Village- Aداuli
Chak, P.S.- Punpun, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv Ms. Priyanka Singh, Adv
For the Opposite Party/s	:	Mr. Khurshid Anwar, 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 Jagdishpur P.S. Case No. 371 of 2022 registered under Sections 420, 465, 467, 468 and 120B of Indian Penal Code and Section 30(a), 32(i)(ii), 36, 38 and 41 of Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 1101.660 litres Indian Made Foreign Liquor from a cavity beneath the sitting area of the bus in question, from where the petitioner along with two other persons has been arrested.

Learned senior counsel for the petitioner submits that as per



FIR, the bus belongs to someone else. The petitioner was not knowing about the concealed liquor and thus has become victim of the circumstances. Having no criminal antecedents, he is in custody since 01.08.2022. Investigation is complete.

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 court of Exclusive Special Judge Court No. 1, Bhojpur at Ara in Jagdishpur P.S. Case No. 371 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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