

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67396 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

RAKESH KUMAR @ RAKESH CHOUDHARY @ RAKESH KUMAR
SINGH Son of Anugrah Narayan Singh R/v- Ward No. 3, Wazirganj, P.O.-
Karwandiya, P.S.- Sasaram (M), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr Nand Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Sasaram (M) Police Station (for brevity, **PS**) Case No 179 of 2021 dated 16.05.2021 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 200 liters of spirit from the vehicle.

Learned counsel for the petitioner submits that from the First Information Report (for brevity, **FIR**), it is obvious that the informant (police official) has named the petitioner on a presumption that he believes the petitioner to be indulging in trade of liquor in the area along with other persons who are named in the FIR. The petitioner has been implicated in many cases on such presumption. Thus, he has nine antecedents. There is no recovery from his possession nor he was arrested at the place of recovery. He is in custody since 26.08.2022 whereas co-accused Sanjay Choudhary has



been granted anticipatory bail by this Court by order dated 20.01.2023 passed in Cr Misc No 74509 of 2022. Investigation is complete.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, 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 is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No II -cum- Additional Sessions Judge, Rohtas at Sasaram in Sasaram (M) PS Case No 179 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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