

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69639 of 2023

Arising Out of PS. Case No.-1306 Year-2023 Thana- Excise P.S. District- Patna

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1. RAKESH KUMAR SON OF LATE VISHWANATH PRASAD SINHA R/O VILLAGE- AHIYACHAK, P.S.- BIND, DISTRICT- NALANDA
 2. SANTOSH KUMAR SON OF DINESH RAM R/O VILLAGE- MAITHI HARNAGAR, P.S.- KUSHESHWERNATH, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek, Adv
For the Opposite Party/s : Mr.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Special 6273/2023 arising of Excise Patna PS Case No. 1306 of 2023 registered on 14.08.2023 lodged under Sections 30(a) and 56B of the Bihar Prohibition and Excise Act (Amendment), 2022.

3. As per the prosecution case, F.I.R. has been lodged against 2 named accused persons including the petitioner. There is recovery of 993.240 litre of illicit liquor has been the subject matter of this case.

4. Counsel for the petitioner submits that present



F.I.R. is not correct and wrong assertion has been made by the police. Nothing incriminating has been recovered from the possession of the petitioner. Petitioner was arrested under conspiracy.

6. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 14.08.2023 having no criminal antecedent.

7. Learned counsel for the State opposes the prayer for bail and submits that it is true that petitioner has no criminal antecedent but it is also true that he has been arrested from the place of occurrence. Counsel further submits that total recovery is from the Bolero of the petitioner, but petitioner has made specific statement that Bolero does not belong to him.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise, 3rd Patna in connection with Special 6273/2023 arising of Excise Patna PS Case No. 1306 of 2023 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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