

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80341 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- NASRIGANJ District- Rohtas

Rahul Kumar @ Pampam S/O Late Kanhaiya Prasad @ Bhola Prasad Village-
Nasriganj, Ward No. 3, PS. Nasriganj, Dist. Rohtas at Sasaram.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mrs.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nasriganj
P.S. Case No. 215/2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there was alleged recovery
of total 45 liters country made liquor from a place near Durga
Sithan, Hariharganj Ward No.14 and the petitioner apprehended
on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case.
The petitioner has nothing to do with the alleged occurrence and
nothing has been recovered from the conscious possession of the
petitioner. The petitioner is languishing in custody since
28.07.2023 and bears criminal antecedent of eight cases in which



he is on bail in all cases. He further submits that the petitioner has been roped in a case one after another in a routine manner. He further submits that the petitioner was apprehended by the police at 12:10 hours in the night from his house and the petitioner has falsely been shown to be arrested at the place of occurrence and the police party has falsely implicated the petitioner in the present case. He further submits that except suspicion, there is nothing on record to demonstrate the present petitioner with the alleged occurrence. He further submits that the said place of recovery was open place, which is accessible to all. He further submits that the petitioner was neither concerned with the place of recovery nor was concerned with the seized liquor. He further submits that all the witnesses were police officials and there is no compliance of Section 100 Cr.P.C. He further submits that the seizure list has not been prepared as per the law and charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has several criminal antecedents.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence



and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No.-2 cum Additional District and Sessions Judge, Rohtas at Sasaram in connection with Nasriganj P.S. Case No. 215/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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