

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74996 of 2022

Arising Out of PS. Case No.-82 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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RAJESH KUMAR S/O PURAN RISHIDEO @ PURAN SADA Resident of
village- Mahua, Ward no- 04, P.S.- Madhepura (Ghailardh), District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody in connection with Excise
Case No. 689 of 2019, Excise P.S. Case No. 82 of 2019-20
under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in brief, is that informant got
secret information that Rajesh Kumar used to sell illegal liquor.
As they reached there, seeing the police, accused fled away. He
was identified as Rajesh Kumar by the villagers. On search 85
litres chullai liquor and 3 litres foreign liquor were recovered
from the house of petitioner.

It has been contended by learned counsel for the
petitioner that it is the joint house and as such any recovery



from the same cannot be attributed to him.

The further submission is that he has already suffered by being in custody since 09.10.2022 only because he has criminal antecedent.

Learned APP opposes the prayer for bail.

Considering the kind of recovery as also the fact that he has already been in custody since 09.10.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Excise-II, Madhepura, in connection with Excise Case No. 689 of 2019, Excise P.S. Case No. 82 of 2019-20 with conditions:

(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 bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

(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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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