

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.681 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- BAHADURPUR District- Patna

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RAUSHAN KUMAR S/O Mahesh Prasad R/O Village- Panchwati Nagar,
P.S- Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.10.2022, in connection with Bahadurpur P.S. Case
No.225/2022, F.I.R. dated 15.07.2022, for the offences punishable
under Sections 30(a) of Bihar Prohibition and Excise Amendment
Act, 2018 and Section 25(1-b) a, 26/35 of the Arms Act.

According to prosecution case, 60 litres of country made
liquor, country made pistol with cartridge and cash of
Rs.1,71,500/- have been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that petitioner
is innocent and has committed no offence and he has falsely been
implicated in the present case. He further submits that the name of
the petitioner has been transpired on the basis of disclosure made
by the co-accused persons and the alleged recovery of illicit liquor



has been made from the vehicle in question and the house of co-accused person. He further submits that the petitioner was not apprehended at the spot and nothing incriminating article has been recovered from conscious possession of the petitioner, so, no case under the Arms Act is made out against the petitioner and similarly, co-accused, namely, Sanjiv Kumar @ Kallu has been granted bail by a co-ordinate Bench of this Court vide order dated 15.11.2022 passed in Cr. Misc. No. 517560/2022, another co-accused, namely, Rishu Kumar has been granted bail vide order dated 15.11.2022 passed in Cr Misc. No.51547/2022 and Mohan Ray has been granted anticipatory bail by this Court vide order dated 28.11.2022 passed in Cr. Misc. No.59226/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.10.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in both the cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna City, in connection with Bahadurpur P.S. Case No.225/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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