

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1061 of 2023

Arising Out of PS. Case No.-426 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

RAKESH KUMAR @ RAKESH CHAUDHARY Son of Anugrah Narayan Singh R/v- Ward No. 3, Wazirganj, 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, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sasaram (M) P.S. Case No.426 of 2021 dated 03.12.2021 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 54.540 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of disclosure made by the co-accused, Ajay Paswan. He further submits that it appears from the F.I.R. and the seizure list, nothing has been recovered from the conscious possession of the petitioner



rather the alleged recovery has been made from the tempo in question. He further submits that the petitioner has not been arrested from the spot and he has no concern with the alleged recovery and the vehicle in question. Except disclosure of the co-accused, no cogent material has surfaced in this case to suggest the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one and he is on bail in all cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Exclusive Special Excise Court No. 2 -cum- Additional District and Sessions Judge, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 426 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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