

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6947 of 2024

Arising Out of PS. Case No.-36 Year-2017 Thana- KIUL RAIL P.S. District- Lakhisarai

Rohit Kumar Son of late Anup Ram Resident of Village-Chintamanchank,
P.S.-Mokama, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 12-03-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Kiul P.S. GRP Case No. 36 of 2017 registered for the offence
under Sections 30(a) and 38(1) of Bihar Prohibition and Excise
Act, 2016.

3. The accusation is of recovery of three bags, each
containing 20 liters, of country made liquor beneath the seat of
general compartment of Train No. 1313 Up (Calcutta-Patna)
Express.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Nothing has been recovered from the conscious



possession of the petitioner. He is custody since 09.02.2017. Similarly situated co-accused persons have been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 13503 of 2017 vide order dated 24.03.2017.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR and impugned order dated 15.12.2023 passed by learned Additional Sessions Judge -V-cum- Exclusive Special Court No. 2, Excise Act, Lakhisarai, it appears that petitioner had surrendered before the trial Court on 24.11.2023 as he has been absent from 03.11.2018 i.e. about 5 years and 5 months from the trial and the petitioner is in custody since 24.11.2023, so the petitioner surrendered before the trial Court and he was not arrested. Considering the aforesaid facts and circumstances of the case and also taking into account the period of custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – V – cum - Exclusive Special Court No. 2, Excise Act, Lakhisarai in connection with Kiul P.S. GRP Case No. 36 of 2017 with condition that the petitioner shall present before the trial Court till conclusion of



the trial and the petitioner shall not be present on two consecutive dates without any cogent reason, the trial Court shall cancel the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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