

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61922 of 2024**

Arising Out of PS. Case No.-169 Year-2024 Thana- BARAULI District- Gopalganj

Rahul Sah S/o Sukesh Sah R/o Village- Devapur, Dewapur, PS- Barauli,
District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Barauli P.S. Case No. 169 of 2024 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2022.

3. The police on a tip-off regarding trafficking of
illicit wine, intercepted an e-rickshaw and apprehended the
petitioner, who was said to be driver of it. On search, total 149
litre country made liquor was recovered.

4. It is contended on behalf of the petitioner that the
narratives made in the FIR clearly suggest that the petitioner
was the driver of the e-rickshaw from where recovery has been
made. In fact, e-rickshaw was plying for the purposes of



carrying passengers and goods and on the alleged date of occurrence, he was carrying goods on the instruction of a passenger. However, noticing the police party, the said passenger succeeded in fleeing away and the petitioner was apprehended. Drawing the attention to the seizure list, learned counsel for the petitioner further contended that the alleged recovery has been made from a public road but surprisingly, the seizure list witnesses are none else but the police personnel and, as such, in complete defiance of Section 100 CrPC. Moreover, the petitioner has been incarcerated since 29.06.2024, having fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, apart from the fair antecedent of the petitioner, let the petitioner, named above, 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 District and Sessions Judge-XIII-cum-Special Excise Court No.1, Gopalganj in connection with Barauli P.S. Case No. 169



of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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