

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77462 of 2024

Arising Out of PS. Case No.-157 Year-2022 Thana- VAISHALI District- Vaishali

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Rahul Kumar S/O Late Surendra Singh R/O Village- Vishanpur Paltu, P.S-
Vaishali, Distt.- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 06-12-2024 Heard Learned Counsel for the petitioner and

Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Vaishali (Belsar O.P.) P.S. Case No. 157 of 2022, lodged on
06.05.2022 under Sections 30(a), 32(2), 41(1) of the Bihar
Prohibition & Excise (Amendment) Act, 2018.

3. As per the prosecution, F.I.R. has been lodged
against four named accused persons including the present
petitioner. The recovery of total 341.58 litres of illicit wine is
the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the said illicit wine has not been recovered from the
petitioner's house rather the recovery has been made from the
house of co-accused, namely, Kundan Kumar which is apparent
from the seizure list. Counsel further submits that the



apprehended person has disclosed the petitioner's name and subsequently he has been arrested. Counsel fairly submits that the petitioner has one criminal antecedent in which he is persuading for bail, but the said case is not related to Excise matter. Counsel also submits that the petitioner is in custody since 28.08.2024.

5. Learned Counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed** as well as on being satisfied by the Trial Court that the petitioner is not absconding in Vaishali P.S. Case No. 128 of 2024, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court- II, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 157 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

Aman Kumar/-

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(Dr. Anshuman, J)

