

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84110 of 2023

Arising Out of PS. Case No.-208 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Raagev @ Rahees SON OF RIFAKAT R/O VILLAGE- SAKIM BAITH,
P.S.- SIMBHAULI, DIST.- HAPUR, UTTAR PRADESH

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar Mr. Manjeet Kumar Mrs. Shilpa Kumari
For the Opposite Party/s :		Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Durgawati P.S. Case No. 208 of 2021 registered for the offences
punishable under Sections 30(a) of the Indian Penal Code.

As per prosecution case, 2147.760 litre illicit liquor
was recovered from truck in question which was being driven
by co-accused Sabne Alam and he was apprehended on spot and
disclosed that the said liquor was handed over to him by the
petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged



in the FIR. It is further submitted that the name of the petitioner has transpired in this case upon the disclosure of co-accused Sabne Alam. Except disclosure of co-accused, there is nothing on record to connect the petitioner with the alleged occurrence. It is further submitted that petitioner was not apprehended on spot. Co-accused Sabne Alam who disclosed the name of the petitioner, has already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 17945 of 2022 and the case of present petitioner stands on better footing as he was not apprehended on spot. Petitioner is in custody since 16.09.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, petitioner was not apprehended on spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise II, Kaimur at Bhabua in connection with



Durgawati P.S. Case No. 208 of 2021, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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