

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2952 of 2024

Arising Out of PS. Case No.-340 Year-2021 Thana- RAMPUR District- Gaya

Rupesh Kumar Shah @ Rupesh Kumar S/o Ramashish Shah R/o Village-
Belka, P.S. and District-Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sudha Chandra, Adv.

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Rampur PS Case No. 340 of 2021 dated 12-10-2021, instituted under Sections 272, 273 and 420 and 120(B) of the IPC and Sections 30(a), 33/36/41(1) of the Bihar Prohibition and Excise Act

3. It is alleged that during course of vehicle checking police personnel intercepted SUV bearing Registration No. BR 31 AQ-6482 and recovered 70 litres of spirit. It is alleged that three persons were apprehended, who disclosed their name as Jay Kumar, Guddu Kumar and Manish Kumar. It is further alleged that apprehended persons were working as liner of Truck bearing Registration No. BR 22GA-4917, from which 1155 liters of spirit



has been recovered. It is further alleged that co-accused further disclosed that they were bringing the spirit from Jharkhand and going to deliver it to the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that petitioner has not been apprehended at the spot and only on the basis of suspicion and at the disclosure of the co-accused, namely, Jay Kumar the petitioner has been made accused in this case. Petitioner has no concern with the seized SUV bearing Registration No. BR 31 AQ-6482 and Truck bearing Registration No. BR 22GA-4917. Petitioner is not the owner of the aforesaid vehicles. Lastly, it has been submitted that the petitioner has one criminal case against him since before.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Gaya, in Rampur PS Case



No. 340 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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