

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85646 of 2023

Arising Out of PS. Case No.-307 Year-2023 Thana- KALYANPUR District- Samastipur

Rohit Kumar @ Rohit Kumar Rai son of Sanjay Kumar Ray Resident of
village- Raghunathpur, p.s.- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mrs.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 307 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, on the basis of confidential information police raided the godown of Nirmal Kedia and recovered altogether 6660 litre illicit liquor from the vehicles in question which were parked in the said godown and petitioner alongwith other apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this



case. Petitioner has no concern either with the godown or vehicles in question. Petitioner is merely daily wage earner and he was apprehended on the spot only on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 18.10.2023 and bears no criminal antecedent. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery of liquor.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 Special Judge, Excise-1, Samastipur in connection with Kalyanpur P.S. Case No. 307 of 2023, subject to 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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