

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.174 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- FALKA District- Katihar

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RAUSHAN KUMAR SON OF MINAR JAMADAR @ MINAR CHAUHAN
Resident of Village - Gaurakshni (Barh), P.O. and P.S. - Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-01-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Falka
P.S. Case no. 346 of 2023 registered for the offences punishable
under Sections 30(c), 32(B) of the Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, 3000 kg tablets of
Nausaadar were recovered from pick up van in question and
petitioner along with other co-accused persons were
apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.
Petitioner is neither owner nor driver of the vehicle in question



and he has no knowledge about the said recovery. Petitioner being a helper of the vehicle in question has to follow the instructions of owner to earn his livelihood. It is further submitted that basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 27.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. 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, 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 Additional District and Session Judge Cum Special Excise Court No. 2, Katihar in connection with Falka P.S. Case no. 346 of 2023, 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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