

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2240 of 2024

Arising Out of PS. Case No.-1728 Year-2023 Thana- Excise P.S. District- Patna

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Rakesh Kumar @ Babloo @ Babloo Kumar S/O Govind Prasad RESIDENT
OF BPCL ROAD, 70 FEET, PS. BAUR, DIST. PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Adv

For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise P.S. Case No. 1728 of 2023 registered on 23.11.2023
lodged under Sections 30(a), 56(b) of the Bihar Excise and
Prohibition Act 2016.

3. As per the prosecution case, F.I.R. has been lodged
against the petitioner that there is recovery of total 247.500 litre
of illicit liquor has been recovered from his possession.

4. Counsel for the petitioner submits the said recovery
has been made from godown and not from the petitioner's
possession.

5. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner



is in custody since 24.11.2023 having one criminal case pending against him, in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail and submit that the recovery has been made from the building which belongs to the petitioner.

7. 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* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-III Patna in connection with Excise P.S. Case No. 1728 of 2023 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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