

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41445 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Rahul Kumar @ Rahul Singh @ Rahul @ Kumar Son of Bhart Singh
Resident of Village - Asani, P.S.- Udwantnagar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 28-03-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has

been filed by the petitioner apprehending his arrest in a case

instituted for the offence punishable under Section 30(a) of

Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 155 litres

country made liquor from bank of Banas river. Petitioner and

other co-accused persons were alleged to have fled from the

place of seizure.

4. Learned counsel appearing on behalf of the

petitioner has submitted that petitioner is innocent and has



committed no offence. He has no concern with the alleged recovery or with the place of occurrence. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. There is no independent witness of the alleged seizure. Similarly situated co-accused persons, namely, Sandeep Kumar Singh and Prakash Singh have already been granted bail, vide order dated 23.08.2024, by co-ordinate Bench of this Court. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Udwantnagar P.S. Case no. 128 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two



sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge II, Bhojpur at Ara, subject to the conditions as laid down under section 438(2) of the Cr.P.C., with following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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