

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38471 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -RUDRAPUR District- MADHUBANI

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1. Rajesh Nayak Son of Late Bhola Nayak, resident of Jamaila Bazar, P.S. Andhra Thadhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-09-2017 Heard the parties.

The petitioner seeks regular bail in connection with Rudrapur P.S.Case No.06 of 2017, registered for offences punishable under Sections 272 & 273 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act.

Allegation against the petitioner, as per FIR, is about recovery of huge quantity of foreign liquor from Pick-up Van of the petitioner.

Submission of the learned counsel for the petitioner is that admittedly he was not present at the time of recovery and the Driver was there, who fled away. Moreover, the petitioner has criminal antecedent but those cases are of prior to five years. The petitioner is in custody for about four months.



Heard learned A.P.P. also.

Having heard both sides, considering the period of custody for the petitioner and he was not preset at the spot, let the petitioner, above named, 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 A.C.J.M. IInd, Jhanjharpur, Madhubani in connection with Rudrapur P.S.Case No.06 of 2017 dated 5.2.2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.
- (iv) If his active participation is found in such type of cases in future, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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