

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8151 of 2019

Arising Out of PS. Case No.-310 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

HARI RAI, aged about 41 years, Son of Late Ram Bilash Rai Resident of Village - Baliya Indrajeet, P.S. Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad

For the Opposite Party/s : Mr.Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 26-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Bochahan P.S. Case No. 310 of 2018** registered for the offence punishable under Sections 272, 273 and 120 (B) of the Indian Penal Code and under Section 30(a), 38, 41, 44, 45, 47 and 48 of the Bihar Prohibition and Excise Act.

Informant who is a police officer has stated in his written complaint that on a secret information received by him that a container of Haryana Humber loaded with foreign liquor has been unloaded in Lalbanna Chaur and on said information he along with other police personnel raided at the said placed and on seeing police party 8-10 persons standing near container started to flee away but petitioner and one Vivek Kumar



was apprehended by the police and others managed to escape and on search of the container total 1498 litre foreign liquor has been recovered.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Nothing has been recovered from his possession. He has no concern with the alleged recovery. It has been further submitted that similarly placed co-accused has been granted bail by co-ordinate Bench of this Court vide order dated 08.02.2019. passed in Cr. Misc. No. 7544 of 2019. Petitioner has got no criminal antecedent and is in custody since 23.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Special Judge Excise, Muzaffarpur**, in connection with **Bochahan P.S. Case No. 310 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as



directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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