

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70810 of 2019

Arising Out of PS. Case No.-145 Year-2019 Thana- KHAJAULI District- Madhubani

RAJ KUMAR DAS Son of Ram Udgar Das (Surdas) Resident of Village -
Maniyarva, Ward No. - 7, P.S.- Khajauli, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Adv.
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 145 of 2019 dated 10.9.2019, registered at Police Station Khajauli under Sections 272, 273 of I.P.C. and 30(a) of Bihar Prohibition and Excise Act, 2016.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

It is alleged by the prosecution that on a raid conducted 66 litres of wine was recovered from a bush near the petitioner's house.

It is submitted on behalf of the petitioner that petitioner has no connection or even knowledge about the



recovery of wine nor the recovery is from his house. The alleged recovery is from an abandoned place (bush). Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 10.9.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of A.D.J.-II-cum-Special Judge (Excise) Act, Madhubani in connection with Khajauli P.S. Case No.145 of 2019, G.R. No.1697 of 2019, on the following conditions:-

- (i) That one of the bailors of the petitioner shall be his close relative.
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall remain physically present



in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

K.C.Jha/-

U		T	
---	--	---	--

