

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1479 of 2020

Arising Out of PS. Case No.-180 Year-2019 Thana- BARURAJ District- Muzaffarpur

RAJKISHORE RAI S/o Late Binda Rai R/o village- Duberbana, P.S.- Deoria,
District- Muzaffarpur ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar @ S.K., Advocate

For the Opposite Party : Mr.Md. Shakir Ahmad. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner as well as learned counsel for the State.

Petitioner apprehends arrest in a case registered for the offences punishable under section 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is allegation of recovery of about 3251.70 liters of foreign liquor from several vehicles.

Learned counsel for the petitioner submits that the name of the petitioner has come in the case on the confessional statement of co-accused Abhay Rathore. He is no way concerned with the recovery, as the same has not been recovered from his conscious possession. Petitioner has got no criminal antecedent. The mandatory provision under Section 100 Cr.P.C. has not been followed at the time of seizure. Similarly situated co-accused Brajesh Pandey has already been allowed bail by a bench of this Court vide order dated 7.1.2020, passed in Cr.Mis.No. 84766/2019.

Considering the facts of the case, let the petitioner, above named, in the event of arrest/surrender before the Court



below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act Muzaffarpur in Baruraj Police Station Case No. 180/2019, son the following conditions:-

(1) 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

Shashi

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

