

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7949 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- SARAIYA District- Muzaffarpur

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BRAJESH KUMAR @ BRAJESH KUMAR SINGH, Son of Late Awadesh Singh, Resident of Village - Nawada (Nabadh Mentioned in accused column), P.S.- Jaintpur O.P. (Saraiya), District- Muzaffarpur

] Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 272, 273 of the Indian Penal Code and Section 30(A) of Bihar Prohibition & Excise Amendment Act, 2016.

As per written report of the ASI, Jaintpur addressed to S.H.O. Jaintpur O.P. that one Ravish Kumar of Nawada Jaintpur is removing illicit liquor from his house, over which police reached there and on seeing police party Ravish Kumar and Brajesh Kumar Singh (petitioner) started fleeing away who were chased but they could not be arrested. On search of the



house of the co-accused Ravish Kumar and Maruti Alto car total 40.5 liters of illicit foreign liquor was recovered from the said Car.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Neither he was apprehended at the place of occurrence nor any illicit liquor has been recovered from his possession nor the Maruti car belongs to petitioner as such no offence under Excise Act is made out against him. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Saraiya (Jaintpur O.P.) P.S. Case No. 11 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C 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



present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(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 offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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