

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15459 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- MANIYARI District- Muzaffarpur

RAKESH KUMAR @ RAKESH RAI S/O YOGENDRA RAI R/O
VILLAGE-MADHOPUR SUSTA, P.S.-MANIYARI, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Maniyari P.S. Case No.
317 of 2020, registered for the offence punishable punishable
under Sections 272, 273 and 414 of the Indian Penal Code and
section 30(a)/34/36/41/56(d) of the Bihar Prohibition and Excise
Act, 2016.

On secret information, one Sumo Gold vehicle was
intercepted and this petitioner and co-accused Baban Kumar
were found sitting in the vehicle and on search 284.040 litres of



foreign liquor has been recovered from the said vehicle.

It is submitted that petitioner is neither the owner nor the driver of vehicle in question. No recovery has been made from conscious possession of this petitioner and he was simply a passenger and has no concern with the seized liquor. Petitioner is in custody since 13.11.2020 having no criminal antecedent, as stated in para 3 of the petition.

Considering the period of custody and the fact that petitioner claims clean antecedent, the petitioner above-named, is directed to be enlarged 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 connection with Maniyari P.S. Case No. 317 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

vinita/-

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