

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20274 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- KUDHNI District- Muzaffarpur

ARJUN RAY S/o Rambabu Ray R/o Village- Mazauli Dharmdas, Kacchi-Pakki, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-07-2021 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 Kudhani (OP Turki) P.S. Case No. 112 of 2020, registered for the offence punishable punishable under Sections 272, 273, 188 and 34 of the Indian Penal Code and section 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

On secret information that some accused persons including this petitioner have parked a truck loaded with illicit liquor, raid was conducted and upon search, 3474.720 litres of foreign liquor has been recovered from the said truck.

It is submitted that no recovery has been made from



conscious possession of this petitioner. Petitioner is neither the driver nor the owner of the truck in question. Petitioner has no concern with the seized liquor and has been made accused merely on suspicion. Petitioner is in custody since 08.01.2021 having no criminal antecedent, as stated in para 3 of the petition.

Considering the fact that no recovery has been made from conscious possession of the petitioner and is having 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 Kudhani (OP Turki) P.S. Case No. 112 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)

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