

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15233 of 2021**

Arising Out of PS. Case No.-467 Year-2019 Thana- PAROO District- Muzaffarpur

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Muntun Singh @ Rakesh Kumar Singh, aged about 52 years, Gender- Male,
son of Late Brajkishor Singh Resident of Village-Hardi, Police Station.-
Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate
For the State : Ms. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 15-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 09.07.2021, which was allowed.

3. Heard Mr. Ravi Nandan, learned counsel for the petitioner and Ms. Sharda Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Paroo PS Case No. 467 of 2019 dated 08.11.2019, instituted under Sections 307/34 of the Indian Penal Code; 27 of the Arms Act, 1959 and 30/30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').



5. The allegation, as per the FIR is that when police, upon information that liquor traders were unloading liquor from a truck in the Chaur of village-Tarwa, Majhauriya near old sugar mill of Raju Singh, reached the spot, the persons in torch light started firing on the raiding team and fled away and on the spot one truck and a vehicle of Force Company was standing and on the truck one person namely Dharmendra Das was found and from the truck and the Force Company vehicle total 2499.840 litres of liquor was recovered and the arrested person has taken the name of the petitioner and others as being the persons who were dealing in such business of liquor.

6. Learned counsel for the petitioner submitted that the allegation is of identification on the basis of statement of the arrested co-accused, but without there being any other material to connect him to the recovered liquor. It was submitted that the petitioner has no other criminal antecedent and also has no connection, either with the liquor or the seized vehicles. Thus, it was submitted that the bar of Section 76(2) of the Act, with regard to maintainability of the present petition, would not apply. Learned counsel submitted that similarly situated co-accused Arjun Kuer has been granted anticipatory bail by a co-ordinate



Bench by order dated 18.06.2020 passed in Cr. Misc. No. 9573 of 2020.

7. Learned APP submitted that there has been recovery of huge quantity of liquor from two vehicles.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in Paroo PS Case No. 467 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the



Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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