

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22742 of 2021**

Arising Out of PS. Case No.-349 Year-2020 Thana- SAKRA District- Muzaffarpur

HARE KRISHNA @ HARE KRISHAN NIRALA @ KRISHNA RAI SON
OF AJAY KUMAR RAI @ AJAY RAI R/O VILLAGE- PIPRA, P.S.-
SAKARA, DISTRICT- MUZAFFARPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brajendra Nath Pandey, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 03-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Sakra P.S.
Case No. 349 of 2020 registered for the offences punishable
under Sections 30(a) and 41 of Bihar Prohibition and Excise
Act, 2016.

There is recovery of 3501 litres of illicit foreign liquor
from a truck.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has
falsely been implicated in the present case. No incriminating



article has been recovered from conscious possession of the petitioner. Learned counsel further submits that petitioner is neither local carrier nor owner of the seized truck in question. It is further submitted that co-accused Ramesh Singh has been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 22.11.2021 passed in Cr. Misc. No. 14424 of 2021. Similarly, co-accused Rakesh Kumar @ Rajeev Ranjan @ Dhanna Seth has been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 01.07.2021 passed in Cr. Misc. No. 1232 of 2021. Petitioner is in custody since 07.12.2020. Petitioner carries four criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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, Muzaffarpur in connection with Sakra P.S. Case No. 349 of 2020, subject to 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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