

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38440 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- MOTIPUR District- Muzaffarpur

TUNTUN RAI S/o Late Murali Rai R/o village- Mahamadpur Balmi Tole
Purani Bazar, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Motipur P.S. Case No. 132 of 2020 registered for the offences punishable under Sections 272, 273 of the IPC and Sections 30(a), 41(1)(2) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 175 litres raw spirit from a Honda City Car which had been parked in front of house of the petitioner.

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. It is further submitted that petitioner is neither owner nor driver of the vehicle in question. Learned counsel further submits that co-accused Munna Rai @ Munna Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 23.02.2021 passed in Cr. Misc. No. 40658 of 2020. Petitioner is in custody since 10.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

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 Motipur P.S. Case No. 132 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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