

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37503 of 2020

Arising Out of PS. Case No.-345 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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MUKESH RAI Son of Lakhindra Rai Resident of Village - Motipur Purani
Bazar, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Sanjeet Kumar

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Excise Case No. 345 of
2017 (PR No. 21/2017-18), registered for the offence punishable
punishable under Section 30(a)/32(2)/38 of the Bihar
Prohibition and Excise Act, 2016.

On secret information raid was conducted and a truck
was intercepted and on search, 4131.360 litres of foreign liquor
has been recovered. It is further alleged that this petitioner and
co-accused Sone Lal Rai are alleged to have brought the said
consignment of liquor.

It is submitted that no recovery has been made from
conscious possession of this petitioner. Petitioner is neither
owner nor driver of the vehicle in question. Petitioner was not



apprehended on the spot and has got no concern with the seized liquor. Petitioner is in custody since 26.06.2020. Chargesheet has already been submitted.

Considering the fact that no recovery has been made from conscious possession of the petitioner, 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 Excise Case No. 345 of 2017 (PR No. 21/2017-18), 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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