

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4979 of 2021

Arising Out of PS. Case No.-167 Year-2019 Thana- MINAPUR District- Muzaffarpur

=====

SANJAY RAI Son of Ram Chandra Rai Resident of Village- Madhuwan
Kanti O.P.- Panapr, P.S.- Meenapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar Choudhary

For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Minapur P.S. Case No.
167 of 2019, registered for the offence punishable punishable
under Sections 272/273 of the Indian Penal Code and section
30(a)/38/41 of the Bihar Prohibition and Excise Act, 2016.

On secret information that foreign liquor is being
unloaded from a truck near *Chimni Bhatta* of Shyam Babu
Prasad, raid was conducted and after seeing the police party, this
petitioner and others who were unloading the liquor fled away.
Upon search 1411.560 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 was not apprehended on the spot and has no concern with the seized liquor or the truck. Petitioner is neither owner nor driver of the truck in question. Co-accused Pappu Rai has been granted bail by this court vide order dated 02.08.2019 passed in Cr. Misc. No. 48253 of 2019. Petitioner has been falsely implicated in this case merely on suspicion and he is in custody since 23.09.2020.

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 Minapur P.S. Case No. 167 of 2019, 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)

vinita/-

U		T	
---	--	---	--

