

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5840 of 2022

Arising Out of PS. Case No.-486 Year-2019 Thana- MOTIPUR District- Muzaffarpur

TUNTUN RAI Son of Late Murali Rai Resident of Village - Mahamadpur
Balmi, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shaheen Begum, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 10.03.2021,
seeks regular bail in connection with Motipur P.S. Case No. 486
of 2019 for the offence punishable under Sections 272 and 273
of the Indian Penal Code and Sections 30(a)/41(1)(2) of the
Bihar Prohibition and Excise Act, 2018.

The prosecution case, in brief, is that altogether 175
litres of spirit and 10 litres of illicit liquor was recovered from
the *Barandah* of the petitioner. Accordingly, seizure-list was
prepared.



Learned senior counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has been roped in the present case because several other cases are pending against him and in all the cases, allegation against him is under Bihar Prohibition and Excise Act. He further submits that seizure was effected in the house of the petitioner but no one of the family members of the petitioner was handed over the seizure list, as such the entire story is based on false, fabricated and concocted facts. Petitioner is in custody since 10.03.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and further submits that the petitioner is habitual offender and he is accused in several criminal cases under Bihar Prohibition and Excise Act. Hence the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case and period of custody of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.1,00,000/- (Rupees one lac) 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. 486 of 2019, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioner will make his attendance before the concerned police station under which his house is located every day at 11 AM till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police, Muzaffarpur.

(Purnendu Singh, J)

mantreshwar/-

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

