

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3561 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

RAJ KISHORE KUMAR Son of Manoj Sahni Resident of Village- Harser,
P.S.- Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 19.11.2021, seeks
regular bail in connection with Siwaipatti P.S. Case No. 144 of
2021 registered for offences punishable under Sections 272, 273 of
the Indian Penal Code and Section 30(a) (b) of the Bihar
Prohibition and Excise Act.

Allegation is of recovery of 5 litres of country-made
liquor from the house of the petitioner and 500 litres of solution of
jaggery and *mahua* was also found which was destroyed seizing
team. Petitioner was apprehended on the spot. Allegation is that
petitioner is involved in manufacturing of illicit liquor.



Learned counsel appearing on behalf of the petitioner submits that from the perusal of the FIR itself only 5 litres of *mahua* liquor was recovered from the house of the petitioner. Petitioner has no concern with the alleged seized liquor neither he is involved in manufacturing of illicit liquor. Petitioner has clean antecedent and he is in custody since 19.11.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Taking into consideration the nature of allegation made against the petitioner, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Siwaipatti P.S. Case No. 144 of 2021 subject to the following conditions:

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

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



(iii) 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.

(iv) 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 bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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