

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7577 of 2022

Arising Out of PS. Case No.-96 Year-2020 Thana- PUNAURA District- Sitamarhi

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Murari Yadav @ Murari Kumar S/O Ram Baboo Ray @ Ram Babu Rai R/O
Village- Koari @ Kuari Ranjeetpur Purwi, Ward No.-3, P.S.- Punaura, Dist.-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 22-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Punaura P. S. Case No. 96 of 2020

registered for the offences punishable under Section 30 (a) of

the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the

police, on a secret information that the petitioner and co-accused



Jitendra Singh had stored illicit wine in primary school, Koari, raided the school, in question, and on search being made altogether 316.500 litres of Nepali Soufi wine was recovered. It is further alleged that the local Choukidar identified the petitioner while the petitioner was fleeing from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover, the alleged recovery has been made from a school, which is a public place and not within the exclusive possession of the petitioner. It is further submitted that save and except the disclosure made by the local Choukidar there is no other material, which suggests the complicity of the petitioner and moreover, there are other infirmities in preparation of the seizure list. It is next submitted that the petitioner is in custody since 07.12.2021 and the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner has been disclosed by the local Choukidar while he was fleeing and moreover, he is named in one another criminal



case i.e. Punaura P. S. Case No. 145 of 2020 from which he was remanded in the present case.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and further he is in custody since 07.12.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge Excise Act, Sitamarhi in connection with Punaura P. S. Case No. 96 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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