

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8755 of 2022**

Arising Out of PS. Case No.-205 Year-2021 Thana- KHANPURA District- Samastipur

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Krishna Kumar Rai S/o- Shivji Rai @ Shivaji Rai R/o- Village - Purnahi, P.S.
- Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 05-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khanpur
P.S. Case No. 205 of 2021 registered for the offence under
Sections 414, 467, 468 and 471 of the Indian Penal Code and
Sections 30(a), 41(i)(ii) and 47 of Bihar Prohibition and Excise
(Amendment) Act, 2018.



The accused/petitioner is not named in the F.I.R. and is in custody since 02.11.2021.

The allegation against the petitioner is to involve in illegal business of illicit liquor, where there is recovery of 3485.16 liters of illicit foreign liquor from container of a truck, bearing Registration no. WB 59C 6355 along a pick-up van, bearing Registration no. BR 07 GA 5772.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is in no way connected with the alleged recovery of incriminating material. It is pointed out that petitioner is involved in two other cases of similar nature in which he is on bail. It is further been submitted that compliance of Section 100 of Cr.P.C. has not been made. While concluding the argument, it is submitted that chargesheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced during the course of investigation, on the basis of self confessional statement,



leading no recovery, which may connect the petitioner with the present recovery of illicit liquor coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khanpur P.S. Case No. 205 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Samastipur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Ranjeet Kumar Ray, who is the brother-in-
law of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

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