

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9418 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Rahul Kumar, Son of Sri Dharendra Singh, R/O Village- Jarang Tekuna, P.S.-
Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gaighat P.S. Case No. 21 of 2021 registered for the alleged offences under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the police received information about storage of India made foreign liquor by the petitioner and co-accused persons at the boundary of the land of Dayanand Singh and Vishwanath Singh having mustard



crops, a raid was conducted and total 120.960 liters of India made foreign liquor was seized.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner, his father and his brother have been made accused persons, though nothing incriminating has been recovered from them. Learned counsel further submits that no liquor has been recovered from the house of the petitioner or from his possession. The owners of the land from where recovery has been made have not been made accused in this case. Moreover, the whole case is based on apprehension of the police that the seized liquor belongs to the petitioner and the co-accused persons and there is no evidence to connect the petitioner with the seized liquor. The charge sheet has been submitted in this case and he is in custody since 05.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner has got criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that the recovery has not been made from the possession of the petitioner, who was not apprehended from the spot as well and further considering the fact that charge sheet has been submitted and the petitioner is in custody since



05.01.2022, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.1, Muzaffarpur, in connection with Gaighat P.S. Case No. 21 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One bailor will be a close relative of the petitioner and another bailor will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

