

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11520 of 2022

Arising Out of PS. Case No.-378 Year-2021 Thana- MINAPUR District- Muzaffarpur

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Hari Shankar Rai, Shivji Rai, Resident of Village- Sahpur, P.S.- Meenapur,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anjana, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 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 Minapur P.S. Case No. 378 of 2021 registered for the alleged offences under Sections 414, 467, 468, 420, 272, 273/34 of the Indian Penal Code and Sections 30(a)/41 of the Bihar Prohibition and Excise Act, 2016.

Allegedly, the petitioner and co-accused person were unloading illegal liquor from the Ambulance and when the place was raided, the petitioner and the co-accused fled away from there and they were identified by local Chaukidar. About



728.46 liters India made foreign liquor was recovered from the Ambulance as well as from the nearby place.

The learned counsel for the petitioner submits that the allegations are baseless and the petitioner has neither been arrested from the spot nor anything incriminating has been recovered from his possession. The co-accused Dharmendra Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 10460 of 2022 and the petitioner is in custody since 28.11.2021. Charge sheet has already been submitted. Regarding antecedent of the petitioner, learned counsel submits that petitioner is also made an accused in Excise Case No. 93/2020 under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned APP opposes the prayer for bail. He submits that a huge quantity of liquor has been recovered and the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted and co-accused has been allowed bail and further considering the period of custody, 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 Special Judge, Excise Court No. 1,
Muzaffarpur in connection with Minapur P.S. Case No. 378 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 of the bailors will be a close relative of
the petitioner.

(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/-

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