

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13303 of 2022**

Arising Out of PS. Case No.-59 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Rajan Kumar Son Of Late Ganesh Chaudhari @ Ganesh Chaudhary R/O
Village- Pakari Ishmile, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. N. K. Nirala, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-07-2022 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. Ravi Bhardwaj, learned counsel for the
petitioner and N. K. Nirala, 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 Town P. S. Case No. 59 of 2022
registered for the offences punishable under Sections 272 and



273 of the Indian Penal Code and Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the Police, on a confidential information, apprehended the petitioner, who is said to be carrying intoxicated toddy liquor on a T.V.S. Scooter. It is further alleged that on search being made 80 litres intoxicated toddy liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from a public place but surprisingly there is no independent witness of the seizure list and the same is in complete contravention of the provisions of the Cr.P.C. It is next submitted that the alleged recovered intoxicated toddy liquor has never been verified as to whether the same is intoxicated or any other substance. It is next submitted that this petitioner is a young labourer, aged about 24 years, having fair antecedent and is in custody since 21.01.2022, apart from that the investigation of the crime is already completed and the charge-sheet has been submitted and keeping the petitioner behind the bar could not serve any purpose.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that from



the possession of this petitioner 80 litres toddy liquor has been recovered.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 21.01.2022 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted, apart from that there are serious irregularities in preparation of seizure list, 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 Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Town P. S. Case No. 59 of 2022, 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.

(Harish Kumar, J)

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