

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14094 of 2022

Arising Out of PS. Case No.-478 Year-2021 Thana- MINAPUR District- Muzaffarpur

Raju Kumar @ Raju Rai S/O Umesh Rai R/o village- Raghopur, P.S.-
Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Minapur P.S.Case No. 478 of 2021 for the offences punishable under Sections 414/34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that on raid being maid, total 6.75 liters of foreign liquor has been recovered from the motorcycle, which was being



driven by this petitioner. It is also alleged that on the same raid a car was also intercepted and from the car total 32.25 liters of foreign liquor was recovered.

It is submitted by the learned counsel for the petitioner that no recovery has been made from conscious possession of the petitioner rather the recovery has been made from other place but it has been shown to be recovered from possession of this petitioner. It is next submitted that the motorcycle belongs to the petitioner and he is having valid papers. However, he is not the owner of the Santro car from which other recovery has been made. It is also submitted that this petitioner is in custody since 15.12.2021, moreover, investigation has already been completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner was caught on the place of occurrence and the alleged recovery has been made from his conscious possession.



Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is in custody since 15.12.2021 having fair antecedent and the investigation of the crime has already been completed and the charge sheet has been submitted and as such keeping the petitioner behind the bar would not serve other purpose, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court -I, Muzaffarpur in connection with Minapur P.S. Case No. 478 of 2021 subject to the condition that one of the bailors will be the close relatives 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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