

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15063 of 2022

Arising Out of PS. Case No.-427 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

PRAMOD KUMAR @ PRAMOD KUMAR RAI Son of Sonafi Ray Resident
of village - Jalalpur, P.S.- Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar
For the State	:	Mr.Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Brahmpura P.S. Case No. 427 of 2019 registered for the alleged offences under Sections 272, 273 and 290 of the Indian Penal Code and 30(a) (d) (e) (f), 41 of Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case is that total 2420.160 liters of illicit liquor was recovered from truck being driven by co-accused person. The name of the petitioner surfaced during the investigation on the basis of confessional statement of co-



accused for being involved in the illicit trade of liquor.

Learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from the possession of this petitioner. He is not named in the FIR and his name came up in the confessional statement of co-accused Pushpendra Singh and this co-accused has been granted bail by a Coordinate Bench vide order dated 29.11.2021 passed in Cr. Misc. No. 51666 of 2021. Other co-accused persons who were apprehended from the spot were also granted bail by another Coordinate Bench vide order dated 19.10.2020 passed in Cr. Misc. No. 26281 of 2020. Charge sheet has been submitted in this case and the petitioner is in custody since 07.12.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner is having criminal antecedent and he is a habitual offender.

Having regard to the fact that petitioner has not been named in the FIR and there is no recovery from him or any cogent material to connect this petitioner with the alleged recovery, 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 I, Muzaffarpur in connection with Brahampura P.S. Case No. 427 of 2019, 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 on 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)

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