

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16929 of 2022

Arising Out of PS. Case No.-790 Year-2019 Thana- KUDHNI District- Muzaffarpur

Pappu Kumar @ Pappu Rai, Son of Kunwardeo Rai, Resident of Village -
Wajitpur Kodariya, P.S.- Kudhani, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 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 Kudhani (Turki OP) P.S. Case No. 790 of 2019 registered for the alleged offences under Sections 414, 467, 468, 471, and 34 of IPC and Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act.

The prosecution case is that on receiving of secret information, house of one Ranjit Kumar Pathak was raided. A truck was also found there and total 2890 litres of illicit India made foreign liquor was recovered from the truck and the house



of co-accused Ranjit Kumar Pathak. This co-accused named the petitioner and other co-accused persons, who used to supply the liquor to nearby place on their vehicles.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been made accused in three other cases of similar nature. The petitioner has not been apprehended from the spot and no incriminating article has been recovered from his possession. The petitioner has got no concern with the seized liquor and has been falsely implicated in this case at the instance of enemies. The petitioner has been roped in this case only on the basis of confessional statement of co-accused Ranjit Kumar Pathak, which has got no value in the eyes of law. Moreover, this co-accused has been granted bail by a Co-ordinate Bench vide order dated 29.02.2020 passed in Cr. Misc. No. 12427 of 2020. Other similarly placed co-accused have been granted bail as well as anticipatory bail by other Co-ordinate Benches vide order dated 26.03.2021 passed in Cr. Misc. No. 4661 of 2021, order dated 15.11.2021 passed in Cr. Misc. No. 5478 of 2021 and order dated 22.11.2021 passed in Cr. Misc. No. 14474 of 2021, respectively. The charge-sheet has been submitted in this case and the petitioner is in custody since 31.01.2022.



Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove and further considering the fact that the similarly placed co-accused persons have been granted bail and further considering the submission of charge-sheet as well as the period of his 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 Act, Court No.-II, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 790 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) Petitioner will not commit similar type of offences in future.
- (v) 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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