

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17565 of 2022

Arising Out of PS. Case No.-149 Year-2019 Thana- HATHAURI District- Muzaffarpur

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DINESH RAI @ DINESH KUMAR Son of Rampukar Rai Resident of
Village- Baluaha Bhutane Tola Malikana, P.S.- Hathauri, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Hathauri

P.S. Case No. 149/2019 registered for the offences punishable

under Sections 272, 273 and 414 of the Indian Penal Code and

Sections 30(a) /38(i) and 41 of the Bihar Prohibition and Excise

Act, 2016.

As per prosecution case, there is alleged recovery of

total 167.76 liters foreign liquor from Scorpio vehicle in

question. The petitioner and others were not apprehended on the

spot and the name of petitioner and others surfaced in this case



only on secret information.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in this case only on confidential information. The petitioner is languishing in custody since 21.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Similarly situated co-accused, Madhusudan Sah @ Maksudan Sah has been granted Anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.8380/2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on the spot, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur in connection with Hathauri P.S. Case No. 149/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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