

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17511 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rishu Kumar, S/o Late Krishna Murari Singh, Resident of Village -
Maharathpur Binodpur, P.S. - Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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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 Muffasil P.S. Case No. 391 of 2021 registered for the alleged offences under Section 120(B) of the Indian Penal Code and Sections 30(a) and 42(1) of the Bihar Prohibition Act and Excise Act.

The prosecution story is that police received information regarding the petitioner and other co-accused persons bringing large quantity of illicit liquor on a truck and



they were involved in sale and purchase of the illicit liquor. Subsequently, a raid was conducted and total 851.625 litres of India made foreign liquor was recovered from a vehicle and the barren land where the vehicle was parked. Meanwhile, 6-7 persons fled away during the raid of the police.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Nothing incriminating has been recovered from physical or conscious possession of this petitioner. He is not the owner of the seized vehicle and has nothing to do with the contraband seized. Petitioner was not apprehended from the spot. Similarly placed co-accused person Raushan Kumar has been granted bail by a Co-ordinate Bench vide order dated 13.07.2022 passed in Cr. Misc. No. 10511 of 2022. The petitioner is in custody since 06.02.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that huge quantity of liquor has been seized and the petitioner is involved in illicit trade of liquor.

Having regard to the rival submissions and considering the fact that no recovery has been made from this petitioner, who was not apprehended from the spot and further considering the submission of charge-sheet along with 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 Exclusive Excise Judge-I, Begusarai in connection with Muffasil P.S. Case No. 391 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) The petitioner will not indulge in similar type of offences in future.

(iii) In case of absence for 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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