

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20541 of 2022

Arising Out of PS. Case No.-180 Year-2019 Thana- BARURAJ District- Muzaffarpur

Manoj Rai Son of Ramyash Ray R/O Village- Kashi Chhapra Narwara, P.S.-
Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 Baruraj
P.S. Case No. 180/2019 registered for the offences punishable
under Section 414 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 3251.700 liters foreign liquor from different vehicles in
question. Petitioner was not apprehended on the spot.
Apprehended co-accused, Abhay Rathad had disclosed the
name of the petitioner and others who fled away from the place
of occurrence.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner. He further submits that none of the seized vehicles belongs to the petitioner. The name of petitioner has been sprang up in this case on the basis of confessional statement of co-accused, Abhay Rathad. No case under Section 414 of the I.P.C. is made out against the petitioner. The petitioner is languishing in custody since 28.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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 as well as period of custody, 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 Special Judge, Excise Court No.2, Muzaffarpur in connection with Baruraj P.S. Case No. 180/2019, 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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