

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21572 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Rajiv Kumar @ Sunny, Son of Tarni Prasad, Resident of Village- Sahpen
Lane, Motijheel, P.S.- Town (Muz.), Distt.- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. M. K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Arun Kumar, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Nagar (Town) P.S. Case No. 133 of 2022
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that in a vehicle
checking this petitioner was apprehended, while he was going
through his motorcycle. On search being made 2.25 litres
foreign liquor was recovered from the dicky of the motorcycle.

It is submitted by the learned counsel appearing on



behalf of the petitioner that in fact the recovery has not been made from the dickey of the motorcycle, rather in course of vehicle checking some altercation took place and thereafter this petitioner was apprehended and the recovery has been shown to be made from the dickey of the motorcycle. It is next submitted that the petitioner is in custody since 14.02.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that 2.25 litres of foreign liquor was recovered from the dickey of the motorcycle and moreover this petitioner is in custody since 14.02.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose and further there is no likelihood of commencement of the trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-I, Muzaffarpur in connection with Nagar (Town) P.S. Case No.



133 of 2022 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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