

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21633 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- KARJA District- Muzaffarpur

Pappu Jaiswal Son of Raj Narayan Jaiswal @ Raj Narayan Chaudhari
Resident of Village - Panapur, P.S.- Karja, District - Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-07-2022 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 Kajra
P.S. Case No. 149 of 2021 registered for the offences punishable
under Sections 272, 273, 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 3839.40 litre foreign liquor, out of which 3450.60 litre
foreign liquor has been recovered from the truck in question and
388.80 litre foreign liquor has been recovered from pick up van
in question. Petitioner along with other co-accused fled away
from the place of occurrence. The name of the petitioner sprang



up in this case on the basis of secret information received by the police.

Learned counsel for the petitioner submits that petitioner is in custody since 29.10.2021 and bears criminal antecedent of three cases of similar nature and he is on bail in all the cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner was not apprehended on spot and nothing incriminating has been recovered from conscious possession of the petitioner. Petitioner has been falsely implicated in this case. Co-accused Rahul Kumar has been granted bail vide Cr. Misc. No. 69454 of 2021 by the co-ordinate bench of this court so, case of present petitioner stands on the similar footing.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on spot and the material available on record, let the petitioner above named be released



on bail, **after framing of charge** 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 Kajra P.S. Case No. 149 of 2021, 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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