

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23986 of 2022

Arising Out of PS. Case No.-114 Year-2019 Thana- Piyar District- Muzaffarpur

Rahul Kumar Son of Sri Dharendra Singh Resident of Village - Jarang
Tekuna, P.S.- Gaighat, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 12-08-2022 Heard the parties through video conferencing.

Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Pier P.S. Case No. 114 of 2019 lodged under Sections 272 and
273 of the I.P.C. read with Sections 30(a), 38 and 41 of the
Bihar Prohibition & Excise Act, 2016.

As per the prosecution case, the total recovery in the
present case is 45.75 liter of foreign liquor.

Learned counsel for the petitioner submits that the
petitioner has not apprehended from the place of occurrence, his
name has figured by virtue of confessional statement of the co-

accused. He further submits that the alleged recovery of excise material has been made from a latrine of Anganbari Kendra. Learned counsel for the petitioner further submits that petitioner is in custody since 22.01.2022, charge sheet has already been filed in this case. He further submits that there are 3 criminal cases pending against the petitioner and only due to this reason, the present case was also filed against him. But in any view of the matter, he is ready to fulfill all conditions as the Court shall imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is not a man of clean antecedent, so his bail may be rejected.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No. II, Muzaffarpur in connection with Pier P.S. Case No. 114 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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