

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24516 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Rajmenddra Kumar Son Of Ramshreshta Ram Resident Of Village - Rauna,
P.S.- Gaighat, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Gaighat P.S.Case No. 93 of 2022 for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and section 30(a), 36, 41(i) of the Bihar Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that the police on secret information intercepted an Ambulance and apprehended three persons including this petitioner. On



search being made altogether 68.500 liters of Indian made foreign liquor was recovered.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incriminating material has been recovered as it is evident from the FIR, he was caught while he was fleeing from the place of occurrence. It is further submitted that the petitioner is a college going student and only on suspicion the police arrested the petitioner, who is having no criminal antecedent. It is next submitted that one of the similarly situated co-accused persons namely, Amarjeet Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 22475 of 2022 vide order dated 26.04.2022. He is in custody since 26.02.2022 although, investigation is already completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that co-accused persons having identical allegation have already been granted bail, let the petitioner, above named, be released on



bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Muzaffarpur in connection with Gaighat P.S. Case No. 93 of 2022 subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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