

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24687 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Gurkan Rai @ Raj Kumar Rai, S/o Late Kuldip Rai, Resident of Village-
Gangraha, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Bhardwaj, Advocate
	Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s :	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 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. Abhishek Bhardwaj, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Gaighat P.S. Case No. 135 of 2021 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Sections 30(a)/36/41 of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that on a confidential information one Tata 407 Mini Truck was intercepted and on search being made total 558.720 litres of



illicit foreign liquor was seized. It is further alleged that the name of the petitioner has been disclosed by the Chaukidar and local people.

It is submitted by the learned counsel appearing on behalf of the petitioner that neither the petitioner was arrested at the spot nor any incriminating material has been recovered from the conscious or constructive possession of this petitioner. It is next submitted that the petitioner has no concern either with the truck or with the seized illicit liquor. It is further submitted that the driver of the vehicle and another, who were apprehended along with the liquor and whose name were disclosed by the Chaukidar, have already been granted bail by learned coordinate Benches of this Court in Cr. Misc. No.46547 of 2021 vide order dated 04.02.2022 and in Cr. Misc. No. 51735 of 2021 vide order dated 08.04.2022, the copies of which have been brought on record by way of Annexure-2. The petitioner is in custody since 18.12.2021 having fair antecedent.

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 the petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover the petitioner is in



custody since 18.12.2021 apart from the fact that other similarly situated persons, having identical allegation, have been granted bail by learned coordinate Benches of this Court, 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.1, Muzaffarpur in connection with Gaighat P.S. Case No. 135 of 2021, 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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