

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25375 of 2022

Arising Out of PS. Case No.-313 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Haren Rai, S/o Doman Ray, Resident of Village- Morsandi, P.S.- Motipur,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 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. Manoj Kumar, 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 Motipur P.S. Case No. 313 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41(1)(2) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the police on a secret information, raided the house of F.I.R. named accused persons and on search being made just behind the hut of the petitioner 35 litres of illicit spirit was seized. It is also



alleged that behind the house of co-accused Lal Babu Rai, another gallon containing 35 litres of illicit spirit was also seized.

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 his person or possession. From the F.I.R., it is evident that the alleged recovery has been made behind the house of the petitioner, which is accessible to all and was not under the possession of the petitioner. It is next submitted that only because of his past criminal antecedent, he has been implicated in the present case and he is in custody since 10.02.2022, though the investigation of the crime is already completed and 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 the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession of and the petitioner is in custody since 10.02.2022, apart from the fact that the investigation of the crime is already completed, 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 Special Judge, Excise Act-II, Muzaffarpur in connection with Motipur P.S. Case No. 313 of 2020 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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