

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25656 of 2022

Arising Out of PS. Case No.-474 Year-2020 Thana- MINAPUR District- Muzaffarpur

RAKESH RAI @ RAKESH KUMAR @ RAKESH RAY SON OF RAM
BABU RAY R/O VILLAGE- TURKI KHARAROO, TOLE- TEDHA, P.S.-
MINAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-08-2022 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 Minapur P.S. Case No. 474 of 2020 registered for the offences punishable under Sections 414, 272, 273 & 34 of the Indian Penal Code read with Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 140.35 litres of foreign liquor from the husk house of the petitioner and from Bolero in question.

Learned counsel for the petitioner submits that



petitioner is in custody since 20.03.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. The petitioner has no concern with the alleged liquor.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail 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. - 1, Muzaffarpur in connection with Minapur P.S. Case No. 474 of 2020, 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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