

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27070 of 2022

Arising Out of PS. Case No.-208 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Raja Kumar Son of Late Badnath Sah R/O Village- Nunfur Bagwanpur, P.S.-
Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sadar P.S. Case No. 208 of 2020 registered for the alleged offences under Sections 341, 323, 326, 353 and 34 of the Indian Penal Code and Sections 30(a) and 45 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, police received secret information that petitioner and other co-accused persons named in the FIR have been doing illicit trade of liquor and during



verification of information, 37.215 liters of India made foreign liquor was recovered from three bags carried by the miscreants and four persons were apprehended. The apprehended co-accused persons named this petitioner as the person who fled away from the spot along with other co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was neither apprehended from the spot nor anything incriminating has been recovered from his conscious possession. Except for the statement of co-accused, there is nothing against this petitioner. The recovery of illicit liquor was made from other co-accused persons not from the petitioner who has no knowledge about the alleged recovery and nothing to do with the recovered liquor. Charge sheet has been submitted in this case and the petitioner is in custody since 07.03.2022.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and his named in two other cases as well.

Having regard to the submission made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet as well as



period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (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 Sadar P.S. Case No. 208 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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