

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28641 of 2022

Arising Out of PS. Case No.-629 Year-2019 Thana- MINAPUR District- Muzaffarpur

Shashi Kumar @ Shashi Kumar Rai, Son of Ramjeewan Rai, Resident of
Village - Dak Bangala, Turki Khararoo, P.S.- Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 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 Minapur P.S. Case No. 629 of 2019 registered for the alleged offences under Sections 272, 273, 420, 120B and 414 of the Indian Penal Code and Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of total 2156.92 litres of illicit liquor was made from a number of vehicles in the process of unloading. Co-accused Arun Kumar was apprehended from the spot, who named the petitioner and other



co-accused persons who were present at the spot and fled away when the raid was being conducted and have been dealing in the illicit trade of liquor being part of a syndicate.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. None of the vehicles seized from the spot belong to this petitioner. He has nothing to do with the recovered liquor. The only material against this petitioner is the statement of co-accused and nothing of substance came up during the whole investigation. Co-accused person, who named this petitioner, has been granted bail vide order dated 28.02.2020 passed in Cr. Misc. No. 9277 of 2020. Other similarly situated co-accused persons have also been granted bail by different Co-ordinate Benches of this Court vide order dated 14.08.2020 passed in Cr. Misc. No. 22084 of 2020 and order dated 12.04.2021 passed in Cr. Misc. No. 5639 of 2021 and order dated 25.03.2022 passed in Cr. Misc. No. 49950 of 2021. Charge-sheet has been submitted and the petitioner is in custody since 20.03.2022. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that recovery of huge quantity of liquor has been made and a



number of vehicle used in transportation of illicit liquor were also seized and this petitioner was named by the co-accused who was apprehended from the spot.

Having regard to the facts and circumstances and the submissions made on behalf of the parties and further considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the grant of bail to other co-accused persons and further considering submission of charge-sheet along with period of his custody, 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 Minapur P.S. Case No. 629 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) One of the bailors will be close relative of the petitioner, who has sworn the affidavit.
- (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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