

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28352 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- KATRA District- Muzaffarpur

Jit Rai @ Ajeet Rai, S/O Late Mangal Rai @ Singheshwar Rai, R/O Village-
Nawada, P.S.- Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 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. Subodh 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 Katra P.S. Case No. 272 of 2021 registered for the offences under Sections 30(a), 30(c), 32, 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the police on a secret information that some persons are involved in preparing and selling of illicit liquor, conducted raid and on noticing the police party, some persons fled away. However, on search being made 30 litres of illicit country made liquor along



with other apparatus and utensils were recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the alleged recovery has been made from a bamboo orchard, which does not belong to the petitioner and accessible to all. It is further submitted that the petitioner is in custody since 16.03.2022, having clean antecedent. There is other infirmities in preparation of seizure list and the same is in violation of Section 100 of the Cr.P.C. It is lastly submitted that 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 alleged recovery has been made from a bamboo orchard, which does not belong to the petitioner and moreover the petitioner is in custody since 16.03.2022 having fair antecedent, 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 Exclusive Special Excise Court No. I, Muzaffarpur in



connection with Katra P.S. Case No. 272 of 2021 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.

(Harish Kumar, J)

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