

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38709 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- MANIYARI District- Muzaffarpur

Raja Kumar @ Vikash Kumar, Son of Pramod Sahni Resident of Village -
Maniyari, P.S.- Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Adv.

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 03-01-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 14.04.2021 seeks
bail in connection with Maniyari P.S. Case No.09/2021
registered for offence punishable under Sections 272, 273, 290
of the IPC and Section 30(a), 34, 36, 41 and 56(s) of the Bihar
Excise and Prohibition Act, 2016.

Prosecution case in brief, is that altogether 14.02 liters
of foreign liquor was recovered from the orchard of one
Madhusudan Singh of village-Madhaul.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the conscious
possession of the petitioner neither the petitioner was under the



influence of alcohol. He further submits that the alleged liquor was recovered from the orchard of one co-accused Madhusudan Singh and petitioner is a simple vendor and due to not obliging the police officer, he has been roped in this case for having committed no offence.

Learned counsel appearing on behalf of the State, however, opposed the prayer for grant of bail to the petitioner.

Considering the fact that the illicit liquor was recovered from the orchard of one co-accused, Madhusudan Singh the petitioner was not apprehended on the spot, rather he was taken in custody after three months of the alleged seizure, although the police station is only 6 K.M. away from the house of the petitioner, it is directed that the court below after verifying the criminal antecedent of the petitioner and after being satisfy as to whether any other criminal case or excise case is pending against the petitioner and after verifying the same, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Maniyari P.S. Case No.09 of 2021, subject to the following conditions:



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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