

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31755 of 2022**

Arising Out of PS. Case No.-377 Year-2021 Thana- KUDHNI District- Muzaffarpur

Munna Kumar @ Munna Rai S/O Jag Lal Rai Resident Of Village- Kerma
Naya Tola, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 10-08-2022 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
Kudhani P.S. Case No. 377 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 542.067 litre foreign liquor from the vehicle in question and
petitioner along with others was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 01.02.2022 and bears criminal
antecedent of one case of similar nature. Charge sheet has been



submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner. It has been further submitted by the learned counsel for the petitioner that petitioner has neither concern with recovered liquor nor the seized vehicle belongs to him. Petitioner is quite innocent and he has falsely been implicated in this case.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. II, Muzaffarpur in connection with Kudhani P.S. Case No. 377 of 2021, 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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