

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32105 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- DARIYAPUR District- Saran

1. Mufat Rai @ Mufat Ray @ Mufut Rai, S/o Late Ramnath Rai, Resident of Village- Parsauna, P.S.- Parsa, District- Saran (Chapra)
2. Ashok Manjhi, S/o Monaka Manjhi, Resident of Village- Parsauna, P.S.- Parsa, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Brij Kishor Mishra, learned counsel for the petitioners and learned APP for the State through video conference.

The petitioners seek regular bail, who are in custody in connection with Dariyapur P.S. Case No. 215 of 2022 registered for the offences punishable under Sections 30 (a), 30(d), 33 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a confidential information that some persons are engaged in



manufacturing of illicit liquor, raided the place of occurrence and from the bank of Gandak river 110 litres of illicit country made liquor was recovered. It is further alleged that 500 litres of Java Mahua for preparing the illicit liquor was also destroyed. It is also alleged that on noticing the police party, the accused persons including the petitioners succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioners submits that the petitioners were neither arrested at the spot nor any incriminating material has been recovered from the conscious or constructive possession of the petitioners. It is next submitted that the alleged recovery has been made from the bank of Gandak river, which is an open place and accessible to all and has no concern with the petitioners and save and except the disclosure made by the local Chaukidar, there is no material, connecting the petitioners with the present crime and moreover the petitioners having fair antecedent, are in custody since 01.05.2022.

On the other hand learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners were neither arrested at the spot nor any incriminating material has



been recovered and they are having clean antecedent, are in custody since 01.05.2022, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-I, Saran at Chapra in connection with Dariyapur P.S. Case No. 215 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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