

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43946 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- AURAI District- Muzaffarpur

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Rakesh Rai @ Rakesh Kumar Son Of Ram Karan Rai R/O Village- Panapur,
P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjana, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 20-04-2022 The applicant is accused in Crime No. 45 of 2020 registered with Aurai Police Station for the offences punishable under Sections 272/273 read with Section 34 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Act. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

According to the prosecution case, police received secret information to the effect that Sajnish Kumar and the present applicant have imported liquor for selling it out on the occasion of Holi festival. That is how house of Sajnish Kumar came to be raided. Two persons allegedly fled away from that



house. The villagers disclosed their names as Sajnish Kumar as well as Rakesh Rai i.e., the present applicant. From search of the house of Sajnish Kumar Indian made foreign liquor of 106 liters and 104 ml quantity came to be seized.

I have considered the submissions so advanced and also perused the materials placed before me.

Investigation of the subject crime is over. Hence, further pretrial detention of the applicant is not warranted and, therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 45 of 2020 registered with Aurai Police Station be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact



the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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