

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43043 of 2021

Arising Out of PS. Case No.-174 Year-2021 Thana- ROSERA District- Samastipur

MINSHU RAJ SON OF RAJEEV KUMAR BHARVE R/O MUHALLA-
NAYAKTOLI, WARD NO.-2, P.S.- ROSARA, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary, Adv
For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of 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 06.06.2021 seeks
regular bail in connection with Rosera P.S. Case No. 174 of
2021 registered for offence punishable under Sections 272,
273/34 of the I.P.C and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

Prosecution case in brief is that altogether 337.470
litres of different brads of Indian made foreign liquor was
recovered from the bamboo orchard of one Mukesh Kumar.

Learned counsel appearing on behalf of the petitioner



submits that nothing has been recovered from the conscious possession of the petitioner and he has got no criminal antecedent. He further submits that petitioner is nowhere concerned with the said illicit liquor nor he is related in any manner with the accused Mukesh Kumar from whose bamboo orchard, the recovery was made.

Learned A.P.P., however opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case and the petitioner having no criminal antecedent as well as nothing having been recovered from his conscious possession, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge Excise-II, Samastipur in connection with Rosera P.S. Case No. 174 of 2021 subject to the following conditions:

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

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

(iii) If the petitioner tempers 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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