

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34640 of 2022

Arising Out of PS. Case No.-109 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Raju Rai Son Of Late Ram Shreshtha Ray Resident of Village - Dubaha,
Police Station- Meenapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Siwaipatti P.S.Case No. 109 of 2019 for
the offences punishable under Sections 272, 273, 420/34 of
the Indian Penal Code and section 30(a) of the Bihar
Prohibition & Excise Act .

The allegation against the petitioner is to be
engaged in trafficking and trade of illicit liquor. The police
on a secret information intercepted a truck and on search



total 1026 liters illicit Indian made foreign liquor was recovered. The driver of the truck disclosed the name of the person including the petitioner as member of syndicate.

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot nor any incriminating material has been recovered and save and except the disclosure made by the driver of the truck, there is no other material suggesting the complicity of the petitioner. He next submits that only because of his past criminal antecedent, his name has been implicated in this case without any cogent material. He last submits that co-accused persons namely, Sunil Kumar has already been granted anticipatory bail vide order dated 20.11.2019 in Cr. Misc. No. 71789 of 2019 by the learned co-ordinate Bench of this Court.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has found involved in other four cases.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither apprehended at the spot nor any incriminating



material has been recovered and save and except the disclosure made by the driver of the truck, there is no material and he is in custody since 30.03.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Muzaffarpur in connection with Siwaipatti P.S.Case No. 109 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal



antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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