

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35724 of 2022**

Arising Out of PS. Case No.-270 Year-2020 Thana- BAJPATTI District- Sitamarhi

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KRISHNA MOHAN RAI @ RAUSHAN KUMAR SON OF SHIVNATH  
RAY @ SHIVNATH RAUT R/O VILLAGE- BABU NARHA, P.S.-  
BAJPATTI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

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

2      12-08-2022                      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  
  
Bajpatti P.S. Case No. 270 of 2020 registered for the offences  
  
punishable under Sections 30(a) of the Bihar Prohibition and  
  
Excise Amendment Act.

As per prosecution case, there is alleged recovery  
  
of 2609.58 litres foreign liquor from the truck in question and  
  
different vehicles in question. Apprehended persons disclosed  
  
the name of present petitioner and other co-accused who were  
  
involved in loading and unloading the illicit liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 25.04.2022. Petitioner bears two criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner was neither arrested on spot nor was he seen at the place of occurrence. Petitioner is neither the owner of the vehicles in question nor the driver and Khalasi of any of the vehicles.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted 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 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court – II, Sitamarhi in connection with Bajpatti P.S. Case No. 270 of 2020, 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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