

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35729 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- MOTIPUR District- Muzaffarpur

=====

BINESH KUMAR RAI SON OF AMIRI RAI @ AMIR RAY Resident of
village- Bhalura, Police Station- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Ashok Kumar Singh

=====

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

Motipur P.S. Case No. 137 of 2022 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 103.68 litres illicit liquor from the Scorpio in question. The

petitioner alongwith others apprehended on spot.

Learned counsel for the petitioner submits that

petitioner is in custody since 10.04.2022. Petitioner bears two

criminal antecedent of similar nature. 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. The petitioner has no any concern with the recovered liquor or with the seized Scorpio from which recovery has been made.

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, 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 after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court – II, Muzaffarpur in connection with Motipur P.S. Case No. 137 of 2022, 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)

amitkr/-

U		T	
---	--	---	--

