

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35960 of 2022

Arising Out of PS. Case No.-330 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Mohan Rai @ Mohan Kumar Son Of Sukhal Rai @ Sukhlal Ray R/O- Vill-
Senduari, P.S.- Motipur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Motipur P.S. Case No. 330 of 2020 registered for the alleged offences under Sections 30(a)/ 41(1)(2) of the Bihar Prohibition and Excise Act.

As per prosecution case, the police received information about three persons bringing illicit liquor on two motorcycle and both motorcycle were intercepted and one of the riders was apprehended. Two persons escaped from the spot. From plastic sack loaded on motorcycle, total 54 liters of illicit India



made foreign liquor was recovered. The petitioner was stated to be one of the escaped persons.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner was named in this case by co-accused Mani Kumar Yadav who is on inimical terms with the petitioner. The petitioner is not involved in illicit trade of liquor and has no concern with the seized liquor. The co-accused Mani Kumar Yadav has been granted bail by a Coordinate Bench vide order dated 14.09.2021 passed in Cr. Misc. No. 16373 of 2021 and similarly placed co-accused Tunna Kumar has been granted anticipatory bail by a Coordinate Bench vide order dated 25.10.2021 passed in Cr. Misc. No. 43591 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 01.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner ran away when the motorcycle was intercepted and recovery was made.

Having regard to the submission made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with the period of custody of the petitioner, the petitioner above named is directed



to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty 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. 330 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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