

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38883 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Dhiraj Kumar Son Of Late Bidhyanand Rai R/O Village- Sundar Saray, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nitu Kumari, Advocate.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Ms. Nitu Kumari, 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 Motipur P.S. Case No. 354 of 2021 for the
offences punishable under Sections 272 and 273 of the
Indian Penal Code and section 30(a) of the Bihar Excise
(Prohibition) Amendment Act.

The allegation against the petitioner to be
engaged in storing illicit raw spirit. On search, total 105
liters of raw spirit was recovered from the under



constructed house of the petitioner.

Learned counsel for the petitioner submits that from the FIR, it would be evident that the alleged recovery has been made from the under-constructed house, which is accessible to all. He next submits that only because of one past criminal antecedent, the name of the petitioner has been implicated in this case. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from person or possession of the petitioner. It is last submitted that the petitioner is in custody since 20.04.2022. Having similar allegation co-accuse Anil Rai @ Anil Kuamr has already been granted bail by learned coordinate Bench of this court.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that recovery has been made from under constructed house of the petitioner which is accessible to all and co-accused person having identical allegation has already been granted bail, 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 Court No. II, Muzaffarpaur in connection with Motipur P.S. Case No. 354 of 2021 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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