

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38251 of 2022

Arising Out of PS. Case No.-460 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. RAM SWARTH RAI @ RAMSUHAG KUMAR YADAV Son of Mahesh Ray Resident of village- Mahdeiya Raghapur, P.S.- Meenapur, District- Muzaffarpur, State - Bihar
2. Ram Bahadur Rai Son of Mahesh Ray Resident of village- Mahdeiya Raghapur, P.S.- Meenapur, District- Muzaffarpur, State - Bihar

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-10-2022 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 Minapur P.S. Case No. 460 of 2020 registered for the offences punishable under Sections 272, 273, 120B/34 of the Indian Penal Code read with Section 30(a) of Bihar Prohibition & Excise Act and under Section 8C, 20, 21, 22 of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery of 10.5 KG Ganja as well as 520 liter spirit from the field as well as house of co-accused Rameshwar Rai. Co-accused



Rameshwar Rai disclosed the name of present petitioners that the petitioners are involved in the said occurrence.

Learned counsel for the petitioners submits that petitioners are in custody since 31.03.2022. Petitioners bear one criminal antecedent of Excise Act. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioners. Petitioners are innocent and have falsely been implicated in the present case. Learned counsel further submits that co-accused Mahesh Rai has already granted bail vide Cr. Misc. No. 44610 of 2021 by a co-ordinate bench of this court and the case of present petitioners stands on similar footing.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioners 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 Special Excise, Court No. - I,



Muzaffarpur in connection with Minapur P.S. Case No. 460 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) Petitioners 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 petitioners tamper 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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