

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40842 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- MINAPUR District- Muzaffarpur

Tinku Kumar @ Tinku Bhagat S/O Jagdish Bhagat Resident of Village-
Majhauriya Brahanda, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Chandra Shekhar Anand, learned counsel
for the petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Minapur P.S. Case No. 45 of 2021, for the
offences punishable under Sections 272 and 273/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition of
Excise Amendment Act, 2018.

The police on a secret information that a huge
quantity of illegal wine are kept at the brick-kiln of Virendra



Prasad, raided the place of occurrence and apprehended one Dhiraj Kumar with the pick up van and on search total 1513.77 liters Indian made foreign liquor was recovered. The apprehended person disclosed the name of the petitioner as owner of the pick up van. It is also alleged that further 21.50 liters of foreign liquor was recovered near the house of the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession, however, save and except the disclosure made by the apprehended co-accused persons, there is no material against the petitioner. It is further submitted that the petitioner having fair antecedent, is in custody since 05.05.2022. It is also submitted that other co-accused persons named in the FIR, have been granted bail by different learned Co-ordinate Bench of this Court and the copies of the same have been brought on the record by way of Annexure -3 series. He last submitted that the investigation of the crime is complete and the charge-sheet has already been submitted.

On the other hand learned APP for the State



vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended on the spot nor any incriminating material has been recovered and so far the alleged seized vehicle is concerned, the same was run for the transportation of goods and the petitioner was not even aware as to what was loaded by the driver. Apart from the fact, the petitioner having fair antecedent, is in custody since 05.05.2022 and other co-accused persons have already been granted bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Muzaffarpur, in connection with Minapur P.S. Case No. 45 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.

(Harish Kumar, J)

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