

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44510 of 2022

Arising Out of PS. Case No.-824 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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Pramod Rai @ Pramod Kumar, Son of Late Murat Rai @ Late Murut Narayan Rai, Resident of Village - Shivrahan Chaturbhuj Tole, Marhalla, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Ahiyapur P.S. Case No. 824 of 2021 registered for the alleged offences under Section 290 of the Indian Penal Code and Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

Allegedly, total 378 litres of India made foreign liquor was recovered from a field besides the cow shed of the petitioner. The co-accused who was apprehended from the spot, disclosed the name of the petitioner for being involved in the manufacture and sale of illicit liquor.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The co-accused named this petitioner in this case as well as one another case, otherwise the petitioner has no criminal antecedent. The recovery has been made from a vacant field which is an open place and the petitioner could not be fastened with the liability of the recovered liquor. The petitioner is in custody since 07.06.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has been made accused in one other case of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet along with his period of custody, 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 Special Excise Court No.1,



Muzaffarpur in connection with Ahiyapur P.S. Case No. 824 of 2021 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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