

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41201 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- PAROO District- Muzaffarpur

Sidharth Kumar Rai @ Fantush Rai @ Fantush S/o Awadhesh Rai Resident of
Village - Chintamanpur, P.S.- Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, 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. Sanjay Kumar, 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 Paroo P.S. Case No. 35 of 2021, for the
offences punishable under Sections 272 and 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition of Excise
Amendment Act, 2018.

The police on a secret information about the
involvement of the petitioner in the trade of illicit wine and
storage of the liquor in an agricultural field, conducted raid and
on search total 452.625 liters Indian made foreign liquor and 70



liters raw spirit was recovered from the field. The local chaukidar, disclosed the name of the petitioner and others, who have succeeded to flee away.

It is submitted by the learned counsel appearing on behalf of the petitioner that so far the recovery is concerned, the same has been made from a field, which belongs to Raj Kishore Rai and it was given on lease to Abhay Rai and the petitioner has neither any concerned with the recovered wine/spirit nor with the place from where the recovery has been made. It is further submitted that the petitioner was neither apprehended on the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the local village *Chaukidar*, there is no other material suggesting the complicity of the petitioner in the present crime. He also submitted that the petitioner is having fair antecedent and is in custody since 27.05.2022. The investigation of the crime is completed 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 from his person and possession and the entire recovery has been made from the agricultural field, which belongs to other co-accused persons, 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 Special Judge, Excise Court No.-II, Muzaffarpur in connection with Paroo P.S. Case No. 35 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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