

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42464 of 2022

Arising Out of PS. Case No.-264 Year-2020 Thana- KANTI District- Muzaffarpur

Sujit Rai S/O Suresh Rai Resident of village- Madhuban, P.S.- Kanti, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard 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 Kanti P.S. Case No. 264 of 2020 for the
offences punishable under Sections 30(a), of the Bihar
Excise (Prohibition) Amendment Act.

The police on a secret information, conducted raid
and on search total 1270.800 liters of Indian made foreign
liquor was recovered form two vehicles and noticing the
police party, all the accused persons fled away from the



place of occurrence but accused Anil Kumar was apprehended at the spot and he disclosed the name of the petitioner.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession. He next submits that the petitioner has neither any concern with the vehicle nor the illicit liquor. So far as the other co-accused persons having identical allegation, are concerned they have already been granted bail by the learned co-ordinate Bench of this Court, copies of which have been kept on record by way of Annexure-2 series to this petition. It is next submits that only because of the past criminal antecedent, his name has been implicated in this case and he is in custody since 25.02.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has multiple criminal antecedent.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating



material has been recovered from his person or possession and moreover, other co-accused persons having identical allegation have 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-II, Muzaffarpur in connection with Kanti P.S.Case No. 264 of 2020, 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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