

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43338 of 2022

Arising Out of PS. Case No.-691 Year-2020 Thana- KANTI District- Muzaffarpur

HARI BHAJAN RAI S/O RAM DAYAL RAI Resident of village- Bangari, P.S.- Kanti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kanti (Panapur O.P.) P.S. Case No. 691 of 2020 registered for the alleged offences under Sections 272, 273, 414, and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, on secret information, a Bolero vehicle was intercepted and co-accused Dheeraj Kumar was apprehended from this vehicle whereas two miscreants escaped from the vehicle. The petitioner is stated to be one of the escaped persons. From search of the vehicle, 158.40 liters of India



made foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The name of the petitioner surfaced on the basis of disclosure of co-accused driver. Though the petitioner is the owner of the vehicle but he has no knowledge about the liquor being carried in his vehicle and it was driver who was transporting the liquor without his knowledge. Even none of the independent witnesses has stated about involvement of the petitioner in this occurrence. The co-accused who was apprehended and named this petitioner has been granted bail by a Coordinate Bench vide order dated 04.09.2021 passed in Cr. Misc. No. 20482 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 21.05.2022. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that recovery has been made from the vehicle of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that no recovery has been shown from his conscious possession and also considering the grant of bail to the person apprehended from the spot and further



considering the submission of charge sheet along with period of custody of the petitioner as well as his clean antecedent, 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 Exclusive Special Judge Excise Court No.-II, Muzaffarpur in connection with Kanti (Panapur O.P.) P.S. Case No. 691 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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