

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42973 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Rajan Kumar, Son of Tarkeshwar Ray, R/O Village- Yadav Nagar
Bhagwanpur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 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. Priyesh 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 Sadar P.S. Case No. 280 of 2022 registered for
the offences punishable under Sections 272, 273, 414/34 of the
Indian Penal Code and Sections 30(a), 41(1) of the Bihar
Prohibition and Excise Act 2016.

The police in course of vehicle checking intercepted
two four-wheelers and apprehended the petitioner and others.



On search, total 318.750 litres of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the vehicles in question nor with the illicit wine. He next submits that the petitioner was only a passersby, however, on raid being made the people started running from the place of occurrence and the petitioner was apprehended on suspicion. He next submits that there in non compliance of Section 100 of the Cr.P.C., apart from defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He further submits that in fact only on account of past criminal antecedent in two identical matters, the name of the petitioner has been roped up in the present case though the petitioner is in custody since 23.06.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the petitioner has neither any concern with the vehicles in question nor with the illicit wine and he is in custody since 23.06.2022 and the investigation of the crime is already complete and charge-sheet



has been submitted,, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. I, Muzaffarpur in connection with Sadar P.S. Case No. 280 of 2022, 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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