

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45135 of 2022

Arising Out of PS. Case No.-402 Year-2021 Thana- SAKRA District- Muzaffarpur

Rohit Das, Son of Upendra Das, Resident of Village- Chakrawe Maniyari,
P.S.- Sakara, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 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 Mrs. Bela Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sakra P.S. Case No. 402 of 2021 registered for the offences punishable under Sections 414, 365, 386 of the Indian Penal Code and Sections 30(a)/41/56(b) of the Bihar Prohibition and Excise Act.

The police on a secret information, conducted raid and on search from the house of co-accused Chandra Mohan Rai 27 litres of Indian made foreign liquor was recovered. It is further alleged that one person was also found confined in a



room, who is said to be the driver of the Pick-up van, for demand of money. It is further alleged that co-accused Chandra Mohan Rai also disclosed that co-accused Satyendra Singh purchased 35 litres of liquor from him along with his partner Rohit Das (petitioner) and thereafter the house of co-accused Satendra Singh was raided and on search total 251.625 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it is evident that nothing has been recovered from the possession of the petitioner or from his house. She further submits that the entire recovery has been made from the house of co-accused Chandra Mohan Rai and Satyendra Singh and co-accused Chandra Mohan Rai, on whose disclosure, the entire recovery has been made, has already been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 57356 of 2021 vide order dated 23.05.2022. She next submits that other co-accused, having identical allegation, have also been allowed privilege of bail, which have been mentioned in para. Nos.16 and 17 of the bail application. She lastly submits that the petitioner, having fair antecedent, is in custody since 04.05.2022, 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 opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the entire recovery has been made from the house of co-accused, who has already been granted bail by a learned coordinate Bench of this Court and, moreover, the petitioner, having fair antecedent, is in custody since 04.05.2022, 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 Exclusive Special Judge, Excise Court-I, Muzaffarpur in connection with Sakra P.S. Case No. 402 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 physically 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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