

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45615 of 2022

Arising Out of PS. Case No.-832 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Raja Kumar, S/O Yogendra Rai, Resident of village- Jhojha, P.S.- Siwaipatti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sadar P.S. Case No. 832 of 2021 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2016.

Allegedly, recovery of total 74.1 litres of India
made foreign liquor was made from an identified place and two
co-accused persons were apprehended from the spot, who
disclosed the name of the petitioner for being involved in the
trade of illicit liquor.



The learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The co-accused persons who named this petitioner in this case have been granted bail in Cr. Misc. No. 10421 of 2021 and Cr. Misc. No. 10677 of 2022 on 22.04.2022 by a Co-ordinate Bench. The petitioner is in custody since 24.06.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and nothing incriminating has been shown to be recovered from his possession and further considering his clean antecedent and his period of custody along with the submission of charge-sheet, 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 Special Excise Court No.1, Muzaffarpur in connection with Sadar P.S. Case No. 832 of 2021 , subject to the other conditions under Section 437(3) of the Cr.P.C. and 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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