

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45304 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Rahul Kumar S/O Rajan Sah Resident of Village - Gopalpur Taraura, P.S.-
Mushahari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Chandra Shekhar Anand, 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 Mithanpura P.S. Case No. 112 of 2022 for
the offences punishable under Sections 414, 467, 468,
471/34 of the Indian Penal Code and section 30(a),32(ii)
41(i) of the Bihar Excise (Prohibition) Amendment Act.

The police on a secret information with regard to
trafficking of illicit liquor intercepted a truck bearing
registration no. BR30GA-6276 and on search total



3635.720 liters Indian made foreign liquor was recovered. It is also alleged that petitioner and other two persons found sitting in the truck apprehended at the spot.

Learned counsel for the petitioner submits that the petitioner has neither any concern with the truck nor with the illicit liquor. He further submits that on the fateful day he was boarded on the truck by taking lift however in the meantime, the police intercepted the truck on suspicion. He next submits that the petitioner having fair antecedent is in custody since 16.04.2022 and now investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner is consignor of the illicit liquor and he was apprehended by the police at the spot.

Regard being had to the submission made on behalf of the parties and considering the fact that investigation of the crime is already complete and the charge sheet has been submitted and moreover, the petitioner having fair antecedent is in custody since



16.04.2022 and there is no likelihood of the commencement of trial in near future, 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-I , Muzaffarpur in connection with Mithanpura P.S.Case No. 112 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.

(Harish Kumar, J)

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