

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46066 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- AURAI District- Muzaffarpur

Mohan Rai Son of Raj Nandan Rai R/O Vill.- Maheshwara, P.S.- Aurai,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Atul Chandra, APP

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 Aurai P.S. Case No. 80 of 2020 registered for
the alleged offences under Sections 272, 273 and 34 of the
Indian Penal Code and Sections 30(a) and 56(ka), (kha) of the
Bihar Prohibition and Excise Act.

Allegedly, the recovery of 56.16 litres of India made
foreign liquor was made from the cow shed and a motorcycle of
the petitioner but he was not apprehended from the spot.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The place from where recovery is said to be made is an open place and accessible to all. The seized motorcycle belongs to this petitioner but recovery has been falsely shown from the motorcycle. The petitioner is in custody since 16.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents and he has made accused in one other case.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from this petitioner and further considering the submission of charge-sheet along with his period of custody, 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 Excise Court No.1, Muzaffarpur in connection with Aurai P.S. Case No. 80 of 2020 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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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