

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55690 of 2021

Arising Out of PS. Case No.-226 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Sachin Kumar @ Sintu Rai S/o- Bhup Narayan Rai R/o- Mahauli, P.S.-
Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Gaighat P.S. Case No. 226 of 2021 registered under Sections 272, 273, 467, 468, 471/34 of the Indian Penal Code and Sections 30(a), 36 and 41(1) of Bihar Prohibition and Excise Act.

One Md. Bilal (driver) has been apprehended from the parked truck bearing registration no. HR67C-3342 from the state of Haryana. The police had gone there on secret information. 2619.360 litres illicit liquor has been recovered



from the truck in question. The petitioner's name has subsequently come on the statement of Md. Bilal, as being one amongst the seven persons who were to receive the consignments.

Petitioner's counsel submits that other than statement of co-accused, there is no material to connect the petitioner with the alleged recovery. The petitioner has one criminal antecedent in Bochchan P.S. Case No. 229/2019 in which he is on bail and there is no allegation of misuse of bail. In the instant case, he is in custody since 10.07.2021. Investigation is complete and even as per prosecution case, he was not present at the time and place of recovery.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that petitioner was not present at the time and place of recovery and has subsequently been named by co-accused leading to no recovery from him, petitioner's prayer for bail is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in Gaighat P.S. Case No. 226 of 2021, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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