

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47626 of 2022

Arising Out of PS. Case No.-131 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

RAJU ROY @ RAJU KUMAR YADAV S/o Late Ram Shreshtha Roy R/o
village- Dubha, P.S.- Minapur, 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 : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tariyani
P.S. Case No. 131/2019 registered for the offences punishable
under Sections 30(a)/ 38 (1) of the Bihar Prohibition and Excise
Act.

As per prosecution case, there is alleged recovery of
total 181.59 liters foreign liquor from car in question.
Apprehended co-accused, Mukesh Kumar Jha disclosed the
name of petitioner who fled away from the place of occurrence.

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



case. The petitioner has not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 19.05.2022 and bears criminal antecedent of three cases of similar nature. The name of petitioner transpired in this case on the basis of confessional statement of co-accused, Mukesh Kumar Jha. Learned counsel for the petitioner further submits that the petitioner is neither concerned with the alleged car nor concerned with the seized liquor. Co-accused, Mukesh Kumar Jha was apprehended on spot, has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.58512/2019 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, petitioner was not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Sheohar in



connection with Tariyani P.S. Case No. 131/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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