

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48323 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- MANIYARI District- Muzaffarpur

VIKRAM RAI Son of Ashok Ray Resident of Village - Kuleshra Dih, P.S.-
Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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
Maniyari P.S. Case No. 40 of 2020 registered for the offences
punishable under Sections 272, 273, 290 and 34 of the Indian
Penal Code read with Sections 30(a), 34, 36, 38, 41, 56(d) and
56(E) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 428.475 litres foreign liquor from different cars as well as
from the house of co-accused Dilip Kumar. Apprehended co-
accused disclosed the name of present petitioner and others who
fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 21.05.2022. Petitioner bears no criminal antecedent. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. The petitioner has been made accused in this case because of the aforesaid car is in the name of petitioner. Petitioner is not apprehended on spot. Co-accused Ranjeet Kumar, who is apprehended on spot, has already been granted bail vide Cr. Misc. No. 17258 of 2020 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court No. II, Muzaffarpur in connection with Maniyari P.S.



Case No. 40 of 2020, 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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