

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49195 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- MINAPUR District- Muzaffarpur

Raj Ballabh Prasad Son of Late Ram Charan Prasad Resident of village -
Mehdeiya, P.S.- Minapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate Mr. Prabhat Kumar, Advocate
For the Opposite Party/s	:	Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Minapur P.S. Case No. 228 of 2021 registered for
the alleged offences under Sections 272, 273 and 34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and Excise
Act.

As per prosecution case, on getting secret information,
police reached the place of occurrence and 357.09 liters of foreign
liquor was recovered from the house of this petitioner which was
kept by the co-accused for selling.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The prosecution story is false and concocted. No recovery has been made from the conscious possession of the petitioner. The house from which recovery has been made, is a joint house of the petitioner and is also owned by his uncle and cousin where all of them used to reside. Learned counsel further submits that petitioner is a businessman and on the date of occurrence, he had gone to Muzaffarpur for bringing articles for his shop situated in the village itself. The co-accused person Ajay Kumar who was apprehended from the spot has already been granted bail by a Coordinate Bench vide order dated 22.04.2022 passed in Cr. Misc. No. 53291 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 16.06.2022. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioner along with his clean antecedent, 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 Minapur P.S. Case No. 228 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

Gautam/Daya

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