

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60397 of 2021

Arising Out of PS. Case No.-339 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Pinku @ Pintu Lal @ Suman Srivastava S/o Mankeshwar Lal @
Mankeshwar Srivastava @ M.P. Srivastava Resident of Village- Subhanpur,
P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Niralak, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sahebganj P. S. Case No. 339 of 2019 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a), 36 and 38 of Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police on secret information that in a village Subhanpur some persons are unloading liquor from a truck, they raided the aforesaid place. On seeing the Police party, certain persons were started fleeing away, however, eight persons were apprehended



by the Police. It is further alleged that the apprehended persons disclosed the name of this petitioner. On search of the aforesaid vehicle altogether 1616.610 litres illicit liquor was recovered. It is further alleged that two motorcycles were also seized on the place of occurrence from which 15 litres illicit liquor each from the said motorcycles have been recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested on the spot nor any incriminating material has been recovered from the possession of this petitioner, apart from the fact that this petitioner has no concern with the alleged seized vehicles or recovered contraband liquors. It is next submitted that other co-accused persons having similar allegations have been granted bail by different Benches of this Court in Cr. Misc. No. 83795 of 2019 and Cr. Misc. No. 76541 of 2019 vide orders dated 18.12.2019 and 17.03.2020 respectively. Copy of the orders have been produced before this Hon'ble Court and the same are kept on record. It is lastly submitted that this petitioner is in custody since 11.08.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found to be involved in two other cases, as has been mentioned



in Paragraph No. 3 of this petition.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner was neither arrested on the spot nor any incriminating material has been recovered from the possession of this petitioner, apart from the fact that this petitioner has no concern with the seized vehicles and the recovered contraband liquors, he is in custody since 11.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Sahebganj P. S. Case No. 339 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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