

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61419 of 2021**

Arising Out of PS. Case No.-69 Year-2019 Thana- KATRA District- Muzaffarpur

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RAGHWENDRA KUMAR S/O NATHUNI BHAGAT RO. VILLAGE-
KARANPUR, P.S. BOCHAHA DISTT. MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Rai

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-03-2022 Supplementary affidavit has been filed on behalf of

the petitioner for making necessary correction in para-1 of the

petition.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Katra P.S.
Case No. 69/ 2019 registered for the offences punishable under
Sections 272, 273 of the IPC and Sections 30(a), 33, 38(1) of
Bihar Prohibition and Excise Act, 2016.

There is recovery of 600 litres of illicit spirit from
Bolero jeep.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the vehicle in question was already sold to one Ram Babu Sahni vide sale letter dated 23.02.2019 but due to procedural laches of the transport department it was transferred in the name of purchaser on subsequent date. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from vehicle in question. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 02.09.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Katra P.S. Case No. 69/ 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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