

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51787 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- VIDYAPATINAGAR District- Samastipur

RAJU KUMAR Son of Vinod Kumar Thakur R/V- Morwa Dih, P.S- Tajpur,
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Vidyapatnagar P.S. Case No. 51 of 2022 Excise G.R. No. 325
of 2022 registered for the offences punishable under Sections
272, 273 of the I.P.C. and Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of total 1648.575 liter foreign liquor from the truck, pickup van
as well as Maruti car in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name transpired in



this case being owner of Tata Pickup bearing Registration No. BR-06GA-9216. Petitioner is in custody since 12.05.2022. Petitioner bears no criminal antecedent. He also submits in Para 9 of the bail petition that petitioner has sold said Tata Pickup bearing Registration No. BR-06GA-9216 to Prichan Ray on 21.07.2021 and the present FIR was lodged on 02.04.2022 much earlier of the present occurrence. Nothing has been recovered from the possession of petitioner and he has no concern either with the seized vehicles or alleged recovered liquor.

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, period of custody, keeping in view clean antecedent of petitioner, petitioner is not named in the FIR, argument advanced on behalf of both sides 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 Excise Court – 1, Samastipur in connection with Vidyapatnagar P.S. Case No. 51 of 2022, 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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