

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52530 of 2022

Arising Out of PS. Case No.-470 Year-2021 Thana- AKBARPUR District- Nawada

MUNNA KUMAR @ MUNNA RAJBANSHI @ BHARO Son of Kaleshwar
@ Kuleshwar Rajbanshi R/V- Hazidhaw, P.S- Narhat, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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
Akbarpur P.S. Case No. 470 of 2021, G.R. No. 1450 of 2021
registered for the offences punishable under Section 413 of the
IPC and Section 30(a) of Bihar Prohibition and Excise Act,
2016

As per prosecution case, there is alleged recovery
of 520 litre of illicit liquor from the vehicles in question.
Apprehended co-accused disclosed the name of petitioner and
others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 19.04.2022 and bears criminal antecedent of four cases of similar nature. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery was made from the alleged vehicles which does not belong to the petitioner. He further submits that petitioner is quite innocent and he has been falsely implicated in the case. Petitioner is not apprehended on spot.

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, petitioner is not apprehended on spot, 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, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-1, Nawada in connection with Akbarpur P.S. Case No. 470 of 2021, G.R. No. 1450 of 2021, 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)

vashudha/-

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