

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51130 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- RAHIKA District- Madhubani

Hemraj Kumar S/o Sita Ram Mahto R/V- Basopatti, P.S.- Basopatti, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53320 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- RAHIKA District- Madhubani

Hari Kumar @ Hari Gupta Son of Bharat Prasad Gupta @ Biltu Gupta
Resident of village - Basopatti, Ward No.- 06, P.S.- Basopatti, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51130 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP.

(In CRIMINAL MISCELLANEOUS No. 53320 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with
Rahika P.S. Case No. 116 of 2022 (G.R. No. 1077 of 2022),

lodged under Sections 272, 273, 414 and 34 of the Indian Penal Code read with Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, the total recovery of 214.2 liter of *Nepali* liquor has been made, which is subject matter of the present case.

Learned counsel for the petitioner of Cr. Misc. No. 51130 of 2022 submits that in this case, there is a four wheeler and 3 motorcycles on which the said wine were carried. Learned counsel also submits that petitioner is related to motorcycle which is in his name from which 36 liter *Nepali* liquor has been recovered. Learned counsel further submits that petitioner has one criminal antecedent in which he is on bail and he is in custody since 02.07.2022. Learned counsel also submits that there is gross violation of Section 100 of Cr.P.C. in preparation of seizure list. He also submits that the other co-accused who was on four wheeler has already been granted bail by the Co-ordinate Bench of this Court vide order dated 11.11.2022 passed in Cr. Misc. No. 47577 of 2022.

Learned counsel for the petitioner of Cr. Misc. No. 53320 of 2022 submits that name of the petitioner has figured in this case by virtue of confessional statement of apprehended

accused person. He further submits that is in custody since 04.08.2022. He also submits that there are two criminal cases pending against the petitioner, in which he is on bail in one case and in another case he is persuading for bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional and Sessions Judge-cum-Special Judge Excise Act, Madhubani in connection with Rahika P.S. Case No. 116 of 2022 (G.R. No. 1077 of 2022), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the

petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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