

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54766 of 2022

Arising Out of PS. Case No.-487 Year-2021 Thana- AKBARPUR District- Nawada

Munna Rajbanshi @ Munna Rajbashi @ Munna Kumar, S/O Kuleshwar
Rajbanshi, Resident of Village- Hazidhaw, P.S.- Narhat, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Akbarpur P.S. Case No. 487 of 2021 registered
for the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, 111 liters of country made
mahua liquor was recovered from motorcycle borne co-accused
Dhanu Kumar who has named this petitioner to whom the co-
accused was going to sell the liquor. Motorcycle was also said to
be stolen one.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case as he has no concern with the alleged occurrence. The petitioner was not apprehended from the spot and no recovery has been made from him. Nothing incriminating has been recovered from his conscious possession. The petitioner has been apprehended merely on the basis of the statement of co-accused person without any corroborative material. The petitioner is in custody since 06.05.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is an accused of number of cases and he is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Excise Act, Nawada in connection with Akbarpur P.S. Case No. 487 of 2021, subject to the conditions mentioned in



Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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