

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68250 of 2021

Arising Out of PS. Case No.-440 Year-2020 Thana- KANTI District- Muzaffarpur

1. HARENDRA RAI, 2. Rajendra Rai, 3. Munna Ray All S/o Mahipat Ray R/o village- Harchanda, P.S.- Kanti (Panapur O.P.), District- Muzaffarpur.	 Petitioner/s
Versus	
The State of Bihar	 Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Adv.
	:	Mrs. Divya Bharts, Adv.
For the Opposite Party/s	:	Mr. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-06-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Kanti (Panapur O.P.) P.S. Case No.440/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of total 1031.40 liters of illegal foreign liquor from the Community building (Samudayik Bhawan). It is alleged that the name of three present petitioners have been stated by the villagers that they are involved in trade of illicit liquor.



Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The petitioners are in custody since 14.09.2021 and the petitioners bear criminal antecedent of three cases in which they are on bail. He further submits that they have not been made accused in other excise case, rather criminal antecedent as mentioned in para 3 of the bail application relates to the dispute of the occurrence taken place due to land dispute. He further submits that nothing has been recovered from the possession of the petitioners, as per FIR, so-called alleged recovery was made from the Community building which is public place. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, petitioners were not apprehended on the spot and taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Kanti (Panapur O.P.) P.S. Case No. 440/2020, 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 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.

However, earlier order dated 10.05.2022 of this court has not been complied with by the Superintendent of Excise, Muzaffarpur.

Accordingly, this application is disposed of.

Let a reminder be issued to the Superintendent of Excise, Muzaffarpur for compliance of the order dated 10.05.2022.

List this case on 27.07.2022 or after filing of the compliance report whichever is earlier.

(Alok Kumar Pandey, J)

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