

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58077 of 2022

Arising Out of PS. Case No.-221 Year-2022 Thana- NAUBATPUR District- Patna

Raj Kishor Rai Son of Sheonath Rai R/V- Etwara Manjhauli, P.s- Sadar, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 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 Special Excise Case No. 602 of 2022 arising
out of Naubatpur P.S. Case No. 221 of 2022 registered for the
alleged offences under Sections 420, 467, 468, 471 of the Indian
Penal Code and Section 30(a) 32 (i) (ii) (iii)/36/41 (i) (ii) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the police received secret
information about a truck carrying illicit liquor towards Bikram
side and one Alto car is giving safe passage to that truck. The
said vehicles were intercepted by the police. The petitioner was
apprehended from the spot. Recovery of 3564 liters of country



made liquor was made from the said truck.

Learned counsel for the petitioner submits that the petitioner is innocent has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the allegedly seized liquor as well as the truck from which recovery of liquor was made. The petitioner had no knowledge about the consignment kept in the truck and for this reason he did not try to flee away from the spot whereas co-accused driver of the truck fled away. The petitioner is having clean antecedent and he is in custody since 17.04.2022. Charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge-sheet along with his clean antecedent, the petitioner above named 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, Excise Act, Danapur in connection with Special Excise Case No. 602 of 2022 arising out of Naubatpur P.S. Case No.



221 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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