

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58285 of 2022

Arising Out of PS. Case No.-332 Year-2022 Thana- PAROO District- Muzaffarpur

Tinku Kumar, Son of Suresh Ray, Resident of village- Mithanpura, P.O and
P.S- Mehshi, District- Motihari, East Champaran, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sharda Kumari, 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 Paroo P.S. Case No. 332 of 2022 registered for
the alleged offences under Sections 420, 467, 468, 471, 120(B)
of the Indian Penal Code, 30(a), 31, 32, 41(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018 and Section
25(1-b)a/26/35 of the Arms Act.

As per prosecution case, the police received secret
information about involvement of some persons in illicit trade
of liquor at Chinatawan Sarmastpur. The police raided the said
place and intercepted a four wheeler and apprehended the



petitioner along with co-accused. Recovery of 36 liters of India made foreign liquor was made from the said vehicle and four live cartridges and Rs. 10,000/- was recovered made from the pocket of informant. The apprehended persons told about a place where illicit liquor was being unloaded from a truck and from the said truck recovery of 2140 liters of India made foreign liquor was made by the police.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was going to attend a marriage ceremony and he was arrested by the police on his way. The police were demanding bribe from the petitioner and on refusal, he was implicated in false case and recovery 36 liters of India made foreign liquor and other articles were shown against him. Learned counsel further submits that there is no compliance of statutory provision of Section 100 of the Cr.P.C. while search and seizure of the alleged vehicle was being made. The petitioner has no concern with the seized liquor. The petitioner is in custody since 08.07.2022 and charge-sheet has been submitted in this case. The petitioner has got no criminal history.



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 fact that the charge-sheet has been submitted in this case and further considering the period of custody of the petitioner and 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 Excise Court-II, Muzaffarpur in connection with Paroo P.S. Case No. 332 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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