

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69553 of 2021

Arising Out of PS. Case No.-414 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Roushan Kumar, Son of Harendra Rai, Resident of village - Malighat, Bharat
Mata Chowk, P.S.- Mithanpura, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Muzaffarpur Excise Case No. 414 of 2021, arising out of P.R. No. 43 dated 10.10.2021, registered for the alleged offences under Sections 30 (a) and 32 (3) of the Bihar Prohibition and Excise Act.

Allegedly, 683.760 liters of India made foreign liquor of different brands was recovered from a Pick Up Van and from that Van, four persons tried to escape and one of them



was apprehended, who is the petitioner in this case.

The learned counsel appearing on behalf of the petitioner submits that the petitioner did not try to escape and he was merely a passerby, who was arrested on the basis of suspicion and implicated in this false case. Nothing incriminating has been recovered from his conscious possession. He has got no knowledge about the presence of the liquor in the said vehicle. The charge sheet has been submitted in this case and the petitioner is in custody since 11.10.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and 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 bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Muzaffarpur Excise Case No. 414 of 2021, arising out of P.R. No. 43 dated 10.10.2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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 Harendra Ray, father of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on 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)

V.K.Pandey/-

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