

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59209 of 2022

Arising Out of PS. Case No.-70 Year-2019 Thana- PAROO District- Muzaffarpur

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Abhay Rai @ Abhay Kumar, Son of Late Yogi Rai @ Jogi Rai Resident of
Village- Sarmastpur, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Let the defect (s), 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. 70 of 2019 registered for the alleged offences
under Sections 270, 272, 328, 467, 468, 471, 472, 419, 420, 120(B) and
34 of the Indian Penal Code and Sections 30, 30(a), 35(e), 36 and 38 of
the Bihar Prohibition and Excise Act and under Sections 4 and 6 of the
Trade Mark Act.

As per prosecution case, police received secret information
about storage of illicit liquor in the Diyara area. On raid being
conducted, 8000 liters of illicit spirit, 1927.95 litres of illicit India made
foreign liquor, a large number of wrappers of different companies, 1000
pieces of cork, 1000 pieces of empty

bottles, 50 pieces of empty cartons of Royal Stag were recovered. The co-accused who was arrested from the hut from where recovery has been made disclosed the name of 13 accused persons including this petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the recovered liquor or with any other persons. Allegation against the petitioner is general and vague along with other co-accused persons. Charge sheet has been submitted in this case and the petitioner is in custody since 14.09.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has two criminal antecedent.

Having regard to the facts and circumstances and submission 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 his conscious possession and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named 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 Exclusive Special Excise Court No. II, Muzaffarpur in connection with Paroo P.S. Case No. 70 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 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)

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