

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71693 of 2021

Arising Out of PS. Case No.-121 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Pappu Rai@ Pappu Kumar Son of Sriram Pravesh Rai Resident of Village -
Aswari, Banjaria, P.S.- Kathaiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and
learned APP for the State.

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 Kathaiya P.S. Case No. 121 of 2019 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act 2016.

As per prosecution case, on receiving secret information, a checking was started and a truck was intercepted. From this truck, co-accused Salman Khan was



arrested. From the storage of the truck, total 4763.700 liters of Indian made foreign liquor was recovered. The apprehended co-accused named some other co-accused persons for their involvement in bringing the liquor. Later on, during investigation, the name of this petitioner transpired as one of the accused persons who was also involved in this illicit trade of liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and no recovery has been made from his conscious possession. It is not believable that the apprehended co-accused did not name the petitioner for being involved in illicit trade whereas later on police found the witness who named the petitioner as accused in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 24.09.2021. The co-accused person who was apprehended from the spot have been granted bail vide order dated 23.01.2020 passed in Cr. Misc. No. 1490 of 2020 and vide order dated 28.05.2020 passed in Cr. Misc. No. 7586 of 2020, another co-accused has also been granted bail. The case of the petitioner is better placed than both the co-accused persons who have been granted bail.



Learned APP for the State opposes the prayer for bail of the petitioner.

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 him and nothing of substance came up on record to show the connection of the petitioner for the offences as alleged, 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 Special Judge, Excise Act, Muzaffarpur in connection with Kathaiya P.S. Case No. 121 of 2019, 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 a close relative of the petitioner.
- (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)

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