

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71788 of 2021

Arising Out of PS. Case No.-395 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Mahesh Rai @ Mahesh Kumar S/o Rama Rai @ Ramanand Rai R/o Village -
Pakanhi, Ward No. - 6, P.S. - Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Excise Case
No. 395 of 2021, P.R. No. 16/2021 registered for the offences
punishable under Sections 30(a) and 32(2) of the Bihar
Prohibition and Excise Act, 2016.

Recovery is of 36 liters of English wine.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has
falsely been implicated in the present case only on the basis of



suspicion. He further submits that it appears from the F.I.R. that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from Maruti Suzuki Alto car. He further submits that petitioner has no concern with the alleged recovery or the vehicle in question. He further submits that there is no independent witness which is complete violation of Section 100(4) of the Cr.P.C. He further submits that after investigation police has submitted the charge sheet against the petitioner and other co-accused persons. The petitioner is in custody since 28.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Excise Case No. 395 of 2021, P.R. No. 16/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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