

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72069 of 2021**

Arising Out of PS. Case No.-474 Year-2020 Thana- MINAPUR District- Muzaffarpur

=====

HARIVANSH RAM S/O SONELAL RAM R/o village- Bhav Chhapra, P.S.-  
Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

=====

**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 Minapur P.S.  
Case No. 474/ 2020 registered for the offences punishable  
under Sections 414, 272, 273, 34 of the IPC and Section 30(a)  
of Bihar Prohibition and Excise Act.

There is recovery of 140.355 litres of illicit foreign  
liquor.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the basis of suspicion. He further submits that it appears from the FIR that recovery has been made from the house of co-accused Nitesh Rai and Rakesh Rai. He further submits that name of the petitioner has been transpired only on the basis of disclosure made by the Spy. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that co-accused Nitesh Rai @ Nitesh Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 21.08.2021 passed in Cr. Misc. No. 31320 of 2021 and the petitioner is in custody since 11.10.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

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 Act, Muzaffarpur in connection with Minapur P.S. Case No. 474/ 2020, 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)**

shahzad/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

