

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61301 of 2022

Arising Out of PS. Case No.-426 Year-2020 Thana- DUMRA District- Sitamarhi

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Raju Kumar S/O Chandradev Mahto Resident At- Ward No 16, Kumhra Vishnupur, Hariharpur, Kumhra Bishunpur, Sitamarhi, P.S- Dumra, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dwij Raj

For the Opposite Party/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with Dumra P.S. Case No. 426 of 2020, registered for the offences punishable under Sections 30 (a) Bihar Liquor Prohibition and Excise Act 2016.

The prosecution story as emerges form the FIR is that total 1062.360 liters has been recovered from a pick up vehicle.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered



from the conscious possession of the petitioner.

The petitioner has been languishing in jail since 07.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved an anticipatory bail application before this Hon'able Court which has been dismissed as withdrawn via Cr. Misc. No. 29023 of 2021 dated 22.06.2022.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in four more cases.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Court-I, Sitamarhi, in connection with Dumra P.S. Case No. 426 of 2020 on the following conditions:

- (i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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