

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4281 of 2023**

Arising Out of PS. Case No.-826 Year-2021 Thana- KUDHNI District- Muzaffarpur

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VINOD RAI @ BINOD RAI S/o Late Shivji Ray R/o Village- Damodarpur
Dumri, P.S.- Kudhani, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.08.2022 in connection with Kudhani P.S. Case No. 826 of
2021, F.I.R. dated 10.11.2021 for the offences punishable under
Sections 272, 273, 34 of the Indian Penal Code and Section
30(a) of Bihar Prohibition and Excise Act, 2016.

Recovery is of total 765 liters of illicit foreign liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case merely on the basis of disclosure made by the co-
accused namely, Bajrangi Kumar who was arrested alongwith
the illicit liquor and the vehicle in question. He further submits
that nothing has been recovered from the conscious possession



of the petitioner and he has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. He further submits that the petitioner is neither the owner nor the driver of the said vehicle in question and except the disclosure made by the co-accused namely, Bajrangi Kumar no other cogent material has come against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Bajrangi Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 3542 of 2022 and another co-accused namely, Rohit Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 03.08.2022 passed in Cr. Misc. No. 23452 of 2022 and another co-accused has already been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 22.11.2022 passed in Cr. Misc. No. 59099 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other



than the present one and petitioner is on bail in Kudhani P.S.

Case No. 480 of 2021 as stated in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by the co-accused namely, Bajrangi Kumar who was arrested alongwith the illicit liquor, 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 Court No.II, Muzaffarpur in connection with Kudhani P.S. Case No. 826 of 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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