

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42588 of 2023

Arising Out of PS. Case No.-176 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Samir Kumar @ Sameer Rai @ Sameer Kumar S/O Nawal Kishor Ray R/O
Village- Sahpur Maksudpur, P.S. Minapur, Dist. Muzaffarpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Muzaffarpur Excise P.S. Case No. 176 of 2019 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 06.06.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 2329 litres of IMFL/country made liquor from the alleged vehicle.

6. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in this case on the basis of secret input as received by informant. It is submitted that petitioner was not apprehended on the spot, and as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in five more criminal cases, where he is on bail.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, where petitioner is in custody since 06.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Muzaffarpur Excise P.S. Case No. 176 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. II, Muzaffarpur/concerned Court,



subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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