

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49111 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- KANTI District- Muzaffarpur

Ravindra Rai @ Lallu Rai @ Ravindra Kumar Son of Ram Nath Rai @
Birajan Rai Resident of Village-Pakahi, P.S.-Maniyari, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 13.06.2022 in connection with Kanti P.S. Case No. 98 of 2022, F.I.R. dated 15.02.2022 for the offences punishable under Sections 30(a), 32 (I)(II), 36, 41(I) of Bihar Prohibition and Excise Act.

4. Recovery is of 2700 liters of illicit foreign liquor.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-



accused persons. He further submits that it appears from the F.I.R as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the truck in question. He further submits that the petitioner is neither the driver nor the owner of the truck in question and he has no concern at all with the recovery of the said liquor. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Rakesh Kumar Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 20.05.2022 passed in Cr. Misc. No. 24022 of 2022 and another co-accused, namely, Jitendra Sahani has been granted bail by a co-ordinate Bench of this Court vide order dated 06.08.2022 passed in Cr. Misc. No. 26711 of 2022. The petitioner is in custody since 13.06.2022.

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



7. 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) Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 98 of 2022, 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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