

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74278 of 2023

Arising Out of PS. Case No.-379 Year-2023 Thana- NAUTAN District- West Champaran

RAJESH KUMAR Son of Nandlal Prasad R/o vill - Tadhwanandpur, P.S. -
Bairiya, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Nautan P.S. Case No. 379 of 2023 registered on 07.09.2023 for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition Act and Excise Act.

3. As per prosecution case, police received information about smuggling of illicit liquor on a motorcycle. The petitioner was apprehended with his motorcycle and recovery of 10 liters of country-made liquor was made from the said vehicle which is said to be stolen.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The vehicle seized by the police belongs to the neighbour of the petitioner namely Vijay Kumar who had purchased the same in an auction sale on 24.07.2023. No incriminating article has been recovered from the conscious possession of the petitioner and the alleged recovery is a planted one. Petitioner is in custody since 08.09.2023. Charge-sheet has been submitted. Petitioner has got no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioner submitting that petitioner was caught with a stolen motorcycle and recovery of illicit liquor was made from his possession.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner alongwith period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Bettiah, District West Champaran in connection with Nautan P.S. Case No. 379 of 2023 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Adnan/-

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