

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75172 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- RAJEPUR District- East Champaran

Rajan Kumar S/O Chandeshwar Mahto R/V- Balakothi, P.S.- Rajepur,
District- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Anant Kumar 1,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Rajepur P.S. Case No. 170 of 2022 for the offence registered under sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition & Excise Act 2018.

As per the prosecution story, the police upon secret information raided the house of one Manish Kumar and altogether 362.880 liters of foreign liquor was/ were recovered/ seized. The local people disclosed the name of the petitioner as the person, who escaped from the house of the Manish Kumar and accordingly, his name came in the FIR.

The case of the petitioner is that:



(i) he has falsely been implicated in this case due to village politics.

(ii) a bare perusal of the FIR and the seizure list would show that nothing incriminating has been recovered either from the possession and/or house of the petitioner rather the alleged foreign liquor has been recovered from the house of the co-accused Manish Kumar.

(iii) from perusal of the FIR and Seizure list it appears that the seizure list has been prepared on 20.09.2022 at 4pm and FIR has been registered on 20.09.2022 at 7 pm but it is surprising that the case number has been entered in the seizure list prior to lodging of the FIR which prima facie raises suspicion about the genuineness of the prosecution case.

Learned APP opposes the prayer for bail of the petitioner.

Taking into account the fact that the recovery is from the house of co-accused Manish Kumar and the name has come on the disclosure of villagers, nothing has been recovered from his conscious possession or his house and he do not have criminal antecedent, this court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event



of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, East Champaran, Motihari in connection with Rajepur P.S. Case No. 170 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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