

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3501 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Kikku Turi Son of Tekan Turi Resident of Village- Chandan, P.S.- Chandan,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 14.09.2022, in connection with Excise G.R. No. 683 of 2022 arising out of Musarigharari P.S. Case No. 157 of 2022, F.I.R. dated 12.09.2022 registered for the offences punishable under Sections 467, 468, 471, 420/34 of the Indian Penal Code and Sections 30a/32/36/41 of the Bihar Excise Act, 2018.

Recovery is of 874.44 litres of foreign liquor.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. 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 of the petitioner



rather recovery has been made from the truck in question. He further submits that the petitioner is the driver of the truck in question and he has no concern at all with the alleged recovery of illicit liquor. He further submits that similarly situated co-accused person namely Mukesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 09.12.2022 passed in Cr. Misc. No. 64562 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur in connection with Excise G.R. No. 683 of 2022 arising out of Musarigharari P.S. Case No. 157 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 witness, 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 antecedents, 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)

Ibrar//-

U			
---	--	--	--

