

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75800 of 2024

Arising Out of PS. Case No.-21 Year-2023 Thana- RAMPUR HARI District- Muzaffarpur

Nandu Rai @ Nandu Kumar Rai S/O Raghunath Rai R/O Village- Patiyasa,
P.S- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-11-2024 Heard Mr. Ratneshwar Prasad, learned counsel for
the petitioner and Ms. Meena Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 30.07.2024, in connection with Rampur Hari P.S. Case No. 21 of 2023, F.I.R. dated 21.08.2023 registered for the offences punishable under Sections 414, 420, 467, 468, 471, 120(B) of the Indian Penal Code and Sections 30(a), 32(ii), (iii), 36, 41(i) (ii) of the Bihar Prohibition of Excise Act.

3. Recovery is of 681.300 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that although the petitioner has been granted the privilege of anticipatory bail vide order dated 09.11.2023 passed in Cr. Misc. No. 73987 of 2023 but the bail bond of the petitioner was cancelled vide order dated 12.12.2023 on the ground that the petitioner has concealed his criminal antecedents.



5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case and the name of the petitioner has been transpired on the basis of disclosure of apprehended co-accused persons namely Md. Ehsan @ Md. Tufan, Shekh Safi Ahmad and Indrajeet Kumar. He further submits that from perusal of the F.I.R it appears that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question and the petitioner is in custody since 01.08.2024.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries eighteen more cases other than the present one but fairly submits that out of eighteen cases, the petitioner is on bail in fourteen cases.

7. Considering the facts and circumstances of the case, 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 Exclusive Special Judge, Excise Court No. II,



Muzaffarpur in connection with Rampur Hari P.S. Case No. 21 of 2023, 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)

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