

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86742 of 2024

Arising Out of PS. Case No.-271 Year-2022 Thana- BABUBARHI District- Madhubani

Murari Kumar Dev S/o- Late Sita Ram Dev R/o - Chichari Bujurag, P.S- Raj
Nagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Sanjay Kumar Jha, Advocate
For the State : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Babubarhi P.S. Case No. 271 of 2022 dated 12.11.2022, registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code, Sections 30(a) and 41 of Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 648 litres of liquor was recovered from a Scorpio and the petitioner is alleged to be the owner of the said vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that he is not registered owner of the vehicle. In fact, he had purchased the vehicle on affidavit and he had already transferred the vehicle to one Md. Mustaque prior to



the alleged offence. He also submits that co-accused Manoj Kumar Paswan @ Manoj Paswan and Ajay Kumar Yadav have already been enlarged on regular bail and anticipatory bail by this Court as well as a co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 8688 of 2023 and 12419 of 2023 respectively.

5. He further submits that the petitioner has been languishing in jail since 21.10.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum- Special Judge, Excise Act, Madhubani, in connection with Babubarhi P.S. Case No. 271 of 2022 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

Ramesh, S. Ali/-

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