

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7936 of 2020

Arising Out of PS. Case No.-442 Year-2019 Thana- MALSALAMI District- Patna

=====

TIRGUN RAI @ TRIGUN RAI, Son of Ram Singh Rai, Resident of
Rikabganj, Police Station - Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram (APP)

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 29-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition & Excise Amendment Act, 2018.

Allegation is recovery of 16.950 liters of illicit liquor
in a plastic bag near the house of the petitioner.

It has been submitted on behalf of the petitioner that
he is innocent and has falsely been implicated in this case due to
village rivalry and animosity and has no concern with recovery
of illicit liquor. Neither petitioner was apprehended on spot nor
any illicit liquor has been recovered from his conscious
possession or from his house, as such no offence under Excise
Act is made out.



Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Case No. 10838 of 2019 arising out of Malsalami P.S. Case No. 442 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

Rajiv/-

U		T	
---	--	---	--

