

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12195 of 2021

Arising Out of PS. Case No.-433 Year-2019 Thana- SARAI District- Vaishali

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Mahendra Rai male, aged about 48 years, Son of Sonelal Rai Resident of
Village - Mahua Singhrail, P.S.- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-06-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Sarai P.S. Case No. 433 of
2019, registered for the offence under Section 414 of the I.P.C.
and Section 30(a), 35(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, 4455 liters of Indian
make foreign liquor has been recovered from a truck and the
driver of the truck was arrested, who disclosed that the
consignment was to be delivered to the FIR named accused
persons, which includes petitioner.

It is submitted on behalf of petitioner that nothing has
been recovered from conscious possession of the petitioner. The
petitioner has got no concern either with the seized liquor or the
truck in question, but only on confessional statement of co-
accused (driver of the truck), he has been made accused.
Petitioner is in custody since 24.09.2020.



Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V cum Special Judge, Excise, Vaishali at Hajipur in connection with Sarai P.S. Case No. 433 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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