

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18809 of 2021**

Arising Out of PS. Case No.-391 Year-2020 Thana- DARIYAPUR District- Saran

Rajeshwar Rai Son Of Late Nanda Rai Village Ibrahimpur Ps Dariyapur
District Saran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. A. G

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 120B of the Indian Penal Code and sections 30a/34/36/38/40 of the Bihar Prohibition and Excise Act.

As per the prosecution case, 1510 liters of foreign liquor has been recovered from a truck and two co-accused had been arrested who disclosed that the said liquor was to be supplied to the petitioner and other co-accused persons.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner is in custody since 14.11.2020.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that No incriminating material has been recovered from the conscious possession of the petitioner and petitioner is in custody since 14.11.2020, let the petitioner as named above, 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 the Additional Sessions Judge II cum Special Judge, Excise Act Saran in Dariyapur Police Station Case No. 391 of 2020 on 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/her absence on two consecutive dates without sufficient reason, his/her 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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