

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29744 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- SURSAND District- Sitamarhi

SANJAY RAI Son of Late Chandradeo Rai Resident of Village - Parigamma,
Ward No. 1, P.S.- Charaut, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Adv

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 16.01.2021 seeks
regular bail in connection with Sursand P.S. Case No. 23 of
2021 registered for offences punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief is that upon secret
information a raid was conducted by the police officials and on
15.01.2021 at about 9:05 pm, petitioner was apprehended while
other accused persons fled away after seeing the police. Total 75
litres of Nepali saufi wine was recovered.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has a clean antecedent and he has falsely



been implicated in the present case merely on the basis of suspicion. He further submits that nothing has been recovered from the possession of the petitioner while the persons who were carrying the illicit liquor had already left the bag containing bottles of Nepali saufi wine after seeing the police force and as such petitioner has made out a prima-facie case to be released on bail.

Learned APP appearing on behalf of the State submits that petitioner is engaged in smuggling of illicit liquor which is offence punishable under the Custom Act as well as under the Bihar Prohibition and Excise Act, 2016 and as such petitioner be not released on bail.

Considering the above mentioned facts and circumstances of the case, antecedent of the petitioner and no case having been lodged for alleged smuggling, this Court directs to release the petitioner on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge II-cum-Special Judge (Excise), Sitamarhi in connection with Sursand P.S. Case No. 23 of 2021 subject to the following conditions:

- (i) The petitioner is directed to give his attendance to



the local Police Station on every 5th day of the week. The S.H.O. of the said Police Station is directed to furnish the attendance report of the petitioner every month to the concerned Superintendent of Police.

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

(iii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iv) If the petitioner tempers 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.

(v) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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