

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31833 of 2020

Arising Out of PS. Case No.-288 Year-2018 Thana- PUPRI (CHORAUT O.P.) District-
Sitamarhi

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Rajiv Rai, aged about 35 years, Gender-Male, Son of Vashisth Rai, Resident
of Village - Nihisa, P.S.- Pupari, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-01-2021

Heard Mr. Subhash Kumar Jha, learned counsel for the
petitioner and Mr. Mukesh Kumar Singh, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

2. The petitioner is in custody in connection with Pupri
(Choraut OP) PS Case No. 288 of 2018 dated 08.06.2018,
corresponding to CD No. 13880/726, instituted under Sections
414 of the Indian Penal Code and 30(a)/37(b)(c)/38/41 of the
Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that he was in
the business of illicit liquor and has been made accused on the
basis of statement of the person who was apprehended with
192.450 litres of illicit liquor from a Scorpio vehicle.



4. Learned counsel for the petitioner submitted that he, being a Ward Councillor, has been falsely implicated due to political and village rivalry. It was further submitted that though he is accused in three other cases of similar nature but in none of the cases there has been recovery and only because he has been implicated in one case, the police have made him accused in the other cases also. It was submitted that the seized Scorpio vehicle did not belong to the petitioner and that he is in custody since 12.06.2020.

5. Learned APP submitted that the petitioner carries criminal antecedent.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 2nd-cum-Special Judge (Excise Act), Sitamarhi in Pupri (Choraut OP) PS Case No. 288 of 2018, corresponding to CD No. 13880/726, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii)



that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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