

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47324 of 2021

Arising Out of PS. Case No.-232 Year-2020 Thana- SHYAMPUR BHATHA District-
Sheohar

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RAJU RAI @ RAJU KUMAR Son of Ramprit Rai Resident of Village -
Bhorahan, P.S.- Shyampur, Bhataha, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Shyampur Bhataha P.S. Case No. 232 of 2020 registered for

the offence under Sections 30(a) of the Bihar Prohibition

and Excise Act.

Recovery is of 285.12 liters of foreign liquor.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. In fact, nothing has been recovered

from the conscious possession of the petitioner rather the

alleged recovery has been made from a hut. The petitioner

has no concern with alleged recovery and the hut in



question. Moreover, the co-accused, namely, Ramprit Rai, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.11.2021 passed in Cr. Misc. No. 19727 of 2021. The petitioner is rotting in judicial custody since 22.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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-II -cum- Special Judge (Excise Act), Sheohar in connection with Shyampur Bhataha P.S. Case No. 232 of 2020 with 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 canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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