

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49105 of 2021

Arising Out of PS. Case No.-964 Year-2020 Thana- ARARIA District- Araria

SUNIL RAI S/O LATE DEONATH RAY @ DEOCHANDRA RAY R/o
village- Shivram, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Adv.
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Araria (Bairgachi) P.S. Case No. 964 of 2020 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 890.640 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 pick-up van having registration No. BR-07GA-4837.



He further submits that it is apparent from the F.I.R. itself that the petitioner was not apprehended from the spot but mere on disclosure of one co-accused, Govind Rai, who is said to be son of the petitioner, he has been made accused in this case. Admittedly, the petitioner is the absolute owner of the vehicle in question but it is the son of the petitioner, who has been arrested on the spot, is instrumental in the carrying illicit liquor and the petitioner has no concern with the alleged recovery. Moreover, the co-accused, namely, Chandra Kishore Rai and Dilip Rai have already been granted bail by a co-ordinate Bench of this Court vide order dated 14.06.2021 passed in Cr. Misc. No. 12807 of 2021. The petitioner is rotting in judicial custody since 30.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 2nd Additional Sessions Judge -cum- Special Judge (Excise Act), Araria in connection with Araria (Bairgachi) P.S. Case No. 964 of 2020/ Special Case No. 983 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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