

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3753 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- BAKHTIYARPUR District- Patna

SHIV CHANDRA RAI @ BACHHAWA @ SHIVANAND RAI, Son of Late Singeshwar Rai Resident of Village - Mahmudpur Ranisarai, Ward no.27, P.s.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Special Case No. 6101 of 2021, arising out of Bakhtiyarpur P. S. Case No. 194 of 2021, registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 90 bottles of country made wine containing in plastic bag and 10 litres of country made wine containing in plastic bucket are alleged to have been recovered from the house of the petitioner.

The learned counsel for the petitioner submits that



nothing has been recovered from the conscious possession of the petitioner. The alleged liquor has been recovered from the house which is in joint possession and is owned by the other family members also.

The petitioner is in custody since 26.09.2021.

It is also stated in paragraph no. 2 of the petition that petitioner has not earlier moved before this Hon'ble High Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna, in connection with Special Case No. 6101 of 2021, arising out of Bakhtiyarpur P. S. Case No. 194 of 2021, on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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