

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4958 of 2022

Arising Out of PS. Case No.-370 Year-2020 Thana- LALGANJ District- Vaishali

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ARUN RAI SON OF RAM PRAVESH RAI R/O VILLAGE- KHAJAULI,
P.S.- LALGANJ, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Lalganj P.S. Case No. 370 of 2020 registered for the offence
under Sections 420, 467, 468, 471 and 373 of the IPC and
Sections 30(a)(c)(d), 36 and 41(i) of the Bihar Prohibition and
Excise Act, 2018.

The petitioner is named in the FIR and is in
custody since 18.01.2022.

The allegation against the petitioner is to be
involved in illegal manufacturing of illicit liquor and to have in
possession of total 400 litre of illicit spirit along with other co-



accused persons.

Learned counsel appearing on behalf of the petitioner submitted that recovery has not been made from the possession of the petitioner rather the same has been recovered from the house of the co-accused persons, namely, Laxmandeo Rai and Guddu Rai. While arguing over the matter, it has further been submitted that petitioner is involved only in one case of similar nature and charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery of illicit spirit has not been made from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above as alleged recovery has not been made from the physical or conscious possession of the petitioner and coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, be directed to be released on bail in connection with Lalganj P.S. Case No. 370 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Court No.1-cum-Additional Sessions Judge, Vaishali subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be sister-in-law of the petitioner, namely, Rekha Devi, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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