

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7251 of 2022

Arising Out of PS. Case No.-346 Year-2019 Thana- BARH District- Patna

SANJAY RAI, S/O RAM BABU RAY, R/o Village- Dadaur, P.S.-
Bakhtiyarpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 23.03.2021,
seeks regular bail in connection with Barh P.S. Case No. 346 of
2019, for the offence punishable under Sections 30(a), 38 and
41 of Bihar Prohibition and Excise Act, 2016.

Earlier, the petitioner had filed Criminal
Miscellaneous No. 42583 of 2021, however, the same was
withdrawn due to incorrect information given by the Pairvikar
of the aforesaid bail application in paragraph No.3. This Court
after considering the fact that neither the learned counsel for the
petitioner nor the petitioner, who is in custody, has made any



deliberate statement knowingly or willingly to obtain a favourable order as such the petitioner was directed to file a fresh application giving details of the case against him.

Learned counsel appearing on behalf of petitioner submits that the present bail application has been filed giving the correct information and nothing has been suppressed from this Court and hence, the same can be heard on merits.

The prosecution case, in brief, is that altogether 1429.2 litres of illicit foreign liquor was recovered from the house and Bathan of Manohar Rai and in course of raid of house of Manohar Rai, Bilar Rai and Saina Rai.

Learned counsel appearing on behalf of the petitioner submits that petitioner was not apprehended on the spot and he has falsely been implicated in this case. He further submits that the name of petitioner has surfaced in the present case on the confessional statement of co-accused. He further submits that nothing has been recovered from the conscious possession of the petitioner, even the house of the petitioner is 25 kilometer far from the alleged place of occurrence. The petitioner has no connection with the co-accused Saina Rai neither he helps in any manner in selling the liquor.

Learned A.P.P. for the State has opposed the prayer



for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, the Court below is directed to obtain criminal antecedent report of the petitioner from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner, as what has been stated in paragraph No.3 of the present bail application filed on behalf of the petitioner, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Barh P.S. Case No. 346 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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