

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7993 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- PARIHAR District- Sitamarhi

Jainarayan Rai S/o Rajkaran Rai R/o Village- Parwaha, P.S.- Parihar, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Parihar P.S. Case No. 149 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that from the house of the petitioner about 54 litres of illicit liquor was recovered but the petitioner fled away from the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. He has not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 07.11.2021

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the quantity of liquor recovered from the house of the petitioner and the fact that he was not apprehended from the spot and further considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Sitamarhi, Bihar in connection with Parihar P.S. Case No. 149 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.



(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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