

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9846 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- LALGANJ District- Vaishali

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Rajendra Rai @ Rajendra Ray S/O Late Ramprit Rai R/O Village- Salempur,
P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 Learned counsel for the petitioner is permitted to
make necessary correction in the bail application.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Lalganj
P.S. Case No.77/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery of
total 245 liters of country made liquor from Diyar land, all the
accused persons were fled away from the place of occurrence
and the local Chaukidar had identified the co-accused persons



including the petitioner who were fled away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to Panchayat level politics his name has been surfaced. Nothing has been recovered from the conscious possession of the petitioner and seizure list has not been prepared as per law. He further submits that the petitioner was not apprehended on the spot. The petitioner is languishing in custody since 21.11.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted, petitioner was not apprehended on the spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds 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 District and Sessions Judge,



Vaishali at Hajipur in connection with Lalganj P.S. Case No.77/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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