

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11026 of 2022

Arising Out of PS. Case No.-422 Year-2021 Thana- BIDUPUR District- Vaishali

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RATAN RAI @ RATAN LAL RAY SON OF BALESHWAR RAI R/O
VILLAGE- AMER, P.S.- BIDUPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 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 Bidupur
P.S. Case No. 422 of 2021 registered for the offence under
Section 414 of the IPC and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.12.2021.

The allegation against the petitioner is to be engaged
in illegal business of illicit liquor and alleged to have in
possession of 100 litres of country made illicit liquor.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner was involved on the basis of secret information received by the police. It has been submitted that alleged motorcycle is not belongs to the petitioner and nothing surfaced during course of the investigation as regard to the involvement of the petitioner in alleged recovery of country made illicit liquor. It has further been submitted that the petitioner is involved in other one case of similar nature, in which, he is on bail. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that name of the petitioner surfaced on the basis of secret information.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bidupur P.S. Case No. 422 of 2021 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, Vaishali at Hajipur, 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) Accused/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 Pappu Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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