

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14439 of 2022**

Arising Out of PS. Case No.-291 Year-2021 Thana- JANDAHA District- Vaishali

RAJ KUMAR @ RAJ KUMAR RAI Son of Girja Rai, Resident of Village -
Daudnagar, P.S. - Bidupur, District - Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jandaha P.S. Case No. 291 of 2021 lodged under Sections 414,
272 and 272 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise Amendment Act, 2018.

As per the allegation made in the F.I.R., there are
total 300 litres of country made liquor was alleged to be
recovered. Out of 300 litres, 200 litres was recovered from
Tempo whereas 100 litres alleged to be recovered from
motorcycle.

Learned counsel for the petitioner submits that neither
motorcycle nor tempo belongs to the petitioner. He has taken lift

due to which he was sitting on motorcycle but all of-a-sudden, the owner of motorcycle left the motorcycle, he fell down and in result, police caught him. He further submits that petitioner is in custody since 11.12.2021 and charge sheet has already been filed in this case. He further submits that petitioner has no clean antecedent and one case of similar nature is pending against him but he has assured that in future, in such type of mistake shall not be made by him.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner has no clean antecedent and he is involved in the present crime knowingly well that he has also committed the same crime earlier.

In the present facts and circumstances that petitioner is in custody since 11.12.2021, charge sheet has already been filed and he is ready to file an affidavit before the Trial Court that he shall not involve in such type of crime in future, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1 -cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 291 of 2021, subject to the conditions as laid down under

Section 437(3) of the Code of Criminal Procedure.

The petitioner is directed to furnish an affidavit before the Trial Court, in this regard that he shall not involve in such type of activities in future, otherwise the prosecution shall be at liberty to move for cancellation of bail.

(Dr. Anshuman, J.)

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