

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14832 of 2022

Arising Out of PS. Case No.-365 Year-2019 Thana- MAHUA District- Vaishali

Surendra Singh @ Nakchapata Son of Jaleshwar Singh, Resident of Village -
Maudah, Buzurg, P.S. - Patepur, District – Vaishali. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38239 of 2022

Arising Out of PS. Case No.-365 Year-2019 Thana- MAHUA District- Vaishali

Lalmohan Rai @ Mohan Rai Son Of Satyendra Rai @ Nirsu Rai @ Surendra,
R/O Village- Singhara Chauk, P.S.- Mahua, Distt.- Vaishali Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38285 of 2022

Arising Out of PS. Case No.-365 Year-2019 Thana- MAHUA District- Vaishali

Nirsu Rai @ Satendra Rai @ Surendra Rai Son Of Late Baleshwar Rai, R/O
Village- Singhara Tanda Chauk, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14832 of 2022)

For the Petitioner/s : Mr. Shashank Chandra, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

(In CRIMINAL MISCELLANEOUS No. 38239 of 2022)

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 38285 of 2022)

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 25-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsels for the petitioners and learned
A.P.Ps. for the State through virtual mode.

The petitioners seek regular bail in connection with
Mahua P.S. Case No. 365 of 2019, lodged under Section 414 of

the Indian Penal Code read with Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total recovery of 5583 litre wine has been made which is subject matter of the present case.

Learned counsel for the petitioner of Cr. Misc. No. 14834 of 2022 submits that petitioner is innocent and has committed no offence. He further submits that antecedent of the petitioner is clean and he is in custody since 06.02.2022. Charge-sheet has already been filed in this case. Learned counsel further submits that the recovery of such a huge quantity of wine were made from four different vehicles these are one truck, one Bolero, one Pick Up Van and one Tata Magic. He also submits that petitioner is related to Pick up Van in which the recovery of 378 liter of wine has been made. Learned counsel further submits that petitioner is owner of the Pick Up Van and he has given Pick Up Van for transporting the goods and not for carrying the illegal materials but the driver and other staffs without informing him, have committed such offence. Learned counsel also submits that the name of the petitioner was figured in this case by virtue of the statement made by the Chawkidar in the torch light at night. Learned counsel further submits that the other co-accused persons have already been

granted bail by the order passed by the Co-ordinate Bench of this Court annexed as Annexure-2 series.

Learned counsel for petitioner of Cr. Misc. Case No.38239 of 2022 submits that petitioner was granted anticipatory bail vide order dated 06.09.2021 passed in Cr. Misc. No.81350 of 2019 but he could not surrender on time, accordingly as such he has no option but to move regular bail in this case, as during the said period he was already in custody in another case.

Learned counsel for petitioner of Cr. Misc. Case No. 38285 of 2022 submits that petitioner is in custody since 06.02.2022 having two criminal antecedents and he is owner of Bolero vehicle from where total recovery of 577 liter of liquor, has been made.

Learned A.P.Ps. for the State oppose the prayer for bail.

In the present facts and circumstances of these cases and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.60,000/- (Rupees Sixty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise Act, Hajipur, District-Vaishali in

connection with Mahua P.S. Case No. 365 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail applications stand allowed.

(Dr. Anshuman, J.)

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