

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17472 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

VIJAY RAI @ VIJAY KUMAR @ PRASANT KUMAR S/o Late Vidaya Rai
Resident of Village - Ghogharaha, P.S. - Mohammadpur, District - Gopalganj.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 The present application has been taken out of turn based on the mentioning made by the learned counsel for the petitioner on the ground that his sister is getting married on 14.04.2022 and both the parents of the petitioner are no more.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that the petitioner is in custody since 26.02.2022, charge-sheet has been submitted and has antecedent of three cases.

Allegation is of recovery of 980 litre of spirit from



drum loaded on a boat along with 95.4 litre of liquor.

Learned counsel for the petitioner submits that petitioner has not been arrested from the place of occurrence and name of the petitioner transpired based on the secret information received by the police. Learned counsel further submits that the petitioner has been falsely implicated in the present case based on his antecedent.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 26.02.2022, charge-sheet has been submitted and was not arrested from the spot, the petitioner, above named, is directed to be released on provisional bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mohammadpur P.S. Case No. 214 of 2021.

The learned court below will seek a report from the Superintendent of Police, Gopalganj that as to whether the sister of the petitioner, namely, Kumari Riya is getting married to Nitesh Kumar or not on 14.04.2022. In the event, if the report comes that the Court was misled for obtaining the bail, the



learned court below shall forthwith cancel the provisional bail of the petitioner. In the event, if the report submitted by the Superintendent of Police, Gopalganj reveals that the marriage of the sister of the petitioner is being held on 14.04.2022 then in that event the provisional bail granted to the petitioner shall be confirmed.

(Satyavrat Verma, J)

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