

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18083 of 2022

Arising Out of PS. Case No.-397 Year-2021 Thana- DARIYAPUR District- Saran

Majnu Rai @ Manjan Rai @ Dular Chand Rai, Son of Dharmnath Rai @
Handa Rai, Resident of Village - Pojhi, P.S.- Derani, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Dariyapur P.S. Case No. 397 of 2021, registered for the alleged offences under Sections 120 (B), 467, 468, 469, 471 of the Indian Penal Code and Sections 30, 30 (a), 38, 41 of the Bihar Prohibition and Excise Act.

Allegedly, 2590 liters of illicit spirit was recovered from a parked truck and the petitioner and other co-accused are stated to have fled away from the spot and were identified by the local Chaukidar.



The learned counsel appearing on behalf of the petitioner submits that the petitioner was not arrested from the spot. Nothing incriminating has been recovered from his conscious possession. Only material against this petitioner is that he was stated to be identified by the local Chaukidar. The petitioner is neither the owner nor the driver of the seized vehicle. The charge sheet has been submitted in this case and the petitioner is in custody since 12.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and no recovery has been made from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise, Saran, in connection with Dariyapur P.S. Case No. 397 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Dharmnath Rai, father of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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