

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18416 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- TARAIYA District- Saran

Mangal Rai son of Late Ramdahin Rai Resident of Village - Agauthar Nanda,
P.S. - Ishuapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 6000 litres of country made spirit.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the truck in question and the petitioner has no concern at all with the truck. Petitioner is



neither the owner nor the driver of truck in question and similarly situated co-accused person namely Pritam Rai has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 14.12.2021 in Cr. Misc. No. 63188 of 2021 and another co-accused namely Bhola Pandey has been granted bail by a Coordinate Bench of this Court vide order dated 13.01.2022 in Cr. Misc. No. 60308 of 2021. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on 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 Taraiya P.S. Case No. 266 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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