

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19279 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- MALSALAMI District- Patna

ANIL RAI Son of Late Khudi Rai Resident of Paththar Ghat, P.S.- Malsalami,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar

For the Opposite Party/s : Mrs.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Malsalami P.S. Case No. 30/2022 registered for the offences
punishable under Sections 30(a)/ 36 of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
total 240 liters Mahua wine from Adraghat of Ganga River. The
petitioner was not apprehended on the spot and local people
disclosed the name of the petitioner who fled away.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been made as per law. The petitioner is languishing in custody since 21.02.2022 and bears criminal antecedent of six cases and all cases are of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Malsalami P.S. Case No. 30/2022, corresponding to P.T. No. 71/2022 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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