

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19708 of 2022

Arising Out of PS. Case No.-290 Year-2020 Thana- DESARI District- Vaishali

Bhojindra Rai, Son of Late Nathuni Rai, Resident of Village - Bisunpur Izara,
P.S.- Desdari (Chandpura O.P.) in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 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 Desari P.S. Case No. 290 of 2020 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

The prosecution case is that the police received a secret information that a motorcycle rider was carrying illicit liquor. At the identified place, during checking of vehicle, one motorcycle rider fled away, leaving his motorcycle on seeing the police. From the motorcycle, 50 litres of country made liquor



was recovered. During, investigation, police came to know that the seized motorcycle belongs to this petitioner.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the place of alleged recovery. Nothing incriminating has been recovered from his conscious possession. Moreover, the petitioner has got no concern either with the seized motorcycle or with the allegedly recovered illicit liquor. The alleged motorcycle does not belong to the petitioner. Charge-sheet has been submitted and the petitioner is in custody since 16.02.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is also an accused in another case.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the period of his custody, the petitioner above named 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 Exclusive Special Excise Court No.1-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Desari P.S. Case No. 290 of 2020, subject to 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 a close relative of the petitioner.

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

(iv) In case of absence for 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)

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