

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19748 of 2022

Arising Out of PS. Case No.-172 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

JIYALAL RAI Son of Sri Yadulal Rai Resident of Village - Akelabad, P.S.-
Sadar, Hazipur, District - Vaishali (Hazipur)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-06-2022 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 regular bail in connection with
Sadar Hazipur P.S. Case No. 172 of 2020 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, petitioner and others are
alleged to be involved in the trade of illicit liquor and their name
have been disclosed on the basis of information of spy as they
fled away from the place of occurrence. As per seizure list, 105
litre country made *Mahua* wine was recovered from two
vehicles.



Learned counsel for the petitioner submits that petitioner is in custody since 12.03.2022 and he bears criminal antecedent of three cases of similar nature in which he is on bail. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the 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 and also 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. 25,000/- (Rupees Twenty Five 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 Hazipur in connection with Sadar Hazipur P.S. Case No. 172 of 2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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