

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20089 of 2022**

Arising Out of PS. Case No.-246 Year-2019 Thana- JANDAHA District- Vaishali

=====

Vinay Rai @ Vinay Kumar Rai @ Vinay Kumar, Son of Bir Bahadur Rai, R/O  
Village- Mahipura, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : Ms. Veena Rani Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**

ORAL ORDER

4      29-09-2022                      The applicant/accused in Crime No. 246 of 2019  
  
(Excise G.R. No. 722 of 2019) registered with Jandaha Police  
  
Station for the offences punishable under Sections 30(a), 38(i)  
  
and 41(i) of the Bihar Excise Act, by this application is  
  
seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the  
  
applicant/accused. She argued that earlier bail application of  
  
the applicant was withdrawn because the applicant wanted to  
  
move the application for default bail before the learned trial  
  
court. She further submits that the learned trial court has  
  
rejected the application of the applicant for bail on merits. She  
  
further submits that now the investigation of the subject crime  
  
is over and charge sheet is filed and therefore, no fruitful  
  
purpose will be served by pretrial detention of the applicant in



the wake of the fact that the applicant is not having any criminal antecedent.

The learned Additional Public Prosecutor opposed the application by contending that liquor in huge quantity was seized from the vehicle of the applicant.

I have considered the submissions so advanced and also perused the materials placed before me.

It appears that the applicant is owner of the Pickup Van which was driven by co-accused Binod Rai. It was seized with Indian made foreign liquor. The quantity of liquor seems to be more than 777 litres.

The investigation of the subject crime is over. The applicant is not having any criminal antecedent. Hence, his further pretrial detention is not warranted therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 246 of 2019 (Excise G.R. No. 722 of 2019) registered with Jandaha Police Station for the offences punishable under Sections 30(a), 38(i) and 41(i) of the Bihar Excise Act be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the



trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

**(A. M. Badar, J)**

Bhardwaj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

