

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22232 of 2022

Arising Out of PS. Case No.-296 Year-2019 Thana- SAKRA District- Muzaffarpur

VIKASH RAI son of Rajendra Rai Resident of Village - Ram Nagar P.S.-
Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-07-2022 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 Sakra
P.S. Case No. 296 of 2019 registered for the offences punishable
under Section 272 and 273 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 80.280 litres foreign liquor from the hut of co-accused
namely Rajendra Rai. It is alleged that all the accused persons
including petitioner ran away from the place of occurrence and
petitioner is alleged to be the member of syndicate dealing with
liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 23.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner was not apprehended on the spot. It is further submitted that co-accused namely Rajendra Rai and Shrawan Rai has been granted bail in Cr. Misc. No. 50593 of 2019.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, the petitioner was not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, 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 Exclusive Special Excise Court-I, Muzaffarpur in connection with Sakra P.S. Case No. 296 of 2019, 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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