

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22059 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- VAISHALI District- Vaishali

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DHIRAJ RAI @ DHIRAJ KUMAR Son of Vinay Rai Resident of Village -
Jatkauli, P.S. and District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur

For the Opposite Party/s : Mr.Surendra Kumar

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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

Vaishali P.S. Case No. 404 of 2021 registered for the offences

punishable under Sections 30(a), 41(1) of Bihar Prohibition and

Excise Act.

As per prosecution case, there is alleged recovery

of 1713.96 foreign liquor. It is alleged that the name of

petitioner and others surfaced in this case on the secret

information.

Learned counsel for the petitioner submits that

petitioner is in custody since 29.03.2022. Petitioner bears



criminal antecedent of two cases of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that as per F.I.R. it is alleged that date of occurrence is 16.10.2021 and petitioner is in jail since 29.03.2022 in this way the petitioner is not apprehended on spot. Petitioner is not the owner of any of the vehicles in question nor is he the driver. Nothing has been recovered from the possession of the petitioner. Co-accused Rahul Chaudhary has already been granted bail by this Hon'ble Court on similar accusation and the case of present petitioner stands more or less on similar footing.

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 is not apprehended on spot, charge-sheet has already been submitted 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 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 Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 404 of 2021, 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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