

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22998 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- MAHNAR District- Vaishali

Julmi Rai @ Dharmendra Rai Son Of Late Upendra Ray Resident Of Village- Lawapur
(ESHAKPUR Tek), P.S- Mahanar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Mahanar P.S. Case No. 278 of 2021 registered for the alleged offences under Sections 413, 414, 271, 272/ 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received information about unloading of illicit liquor at the cowshed of co-accused Anjan Singh and from the vehicle and cowshed total 1726.5 liters of India made foreign liquor was recovered. Co-accused Ravindra Paswan was apprehended from the spot and he disclosed the name



of the petitioner as well as other co-accused persons who were involved in bringing the illicit liquor.

Learned counsel for the petitioner submits that petitioner has no role in the whole occurrence and he was not arrested from the spot. Nothing incriminating has been recovered from the person or possession. The seized vehicle does not belong to this petitioner and the petitioner was not apprehended from the spot. The co-accused Anjan Singh and Jay Prakash Gupta have been granted anticipatory bail by the Coordinate Benches vide order dated 11.03.2022 passed in Cr. Misc. No. 2640 of 2022 and order dated 11.03.2022 passed in Cr. Misc. No. 17 of 2022. Other co-accused persons have been granted regular bail in Cr. Misc. No. 8333/2022, Cr. Misc. No. 8507/2022 and Cr. Misc. No. 499/2022. The case of the petitioner is similarly placed. Charge sheet has been submitted in this case and the petitioner is in custody since 20.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a member of a group of persons who are involved in the trade of illicit liquor in the state.

Having regard to the facts and circumstances and the submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and nothing



incriminating has been recovered from his conscious possession and further considering the submission of charge sheet as well as period of custody of the petitioner, 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 Additional Sessions Judge-II-cum-Excise Court Vaishali at Hajipur in connection with Mahanar P.S. Case No. 278 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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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