

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22559 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Prince Rai @ Rakesh Rai, Son of Late Suneshwar Rai, Resident of Village –
Baraipatti, Ward No. 06, Police Station - Jadopur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Ashok Kumar, APP
	Mr. Rajendra Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-09-2022 A report dated 15.09.2022 has been received from the

learned Exclusive Special Excise Court-II, Gopalganj wherein it

has been submitted that in Excise P.S. Case No. 369 of 2021, the

official complaint is registered in the name of Prince Rai.

However, in the prosecution report, the name of the accused is

mentioned as Prince Rai @ Rakesh Rai.

I think the confusion over the name of the petitioner
stands settled by the prosecution report as mentioned by the
learned trial court. On query, the learned counsel for the
petitioner submits that the name of the petitioner is Rakesh Rai
and undertakes to submit documents in this regard as and when
directed to do so.

Heard learned counsel for the petitioner and learned



A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office be removed within 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 Excise Case No. 369 of 2021 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the petitioner and the co-accused were riding a motorcycle and recovery of 27.720 liters of India made foreign liquor was made from a bag kept in the middle of bike.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to his criminal antecedent. The petitioner wrongly disclosed his name as Prince Rai for which he has been sufficiently penalized. The prosecution report has been submitted in this case and the petitioner is in custody since 31.12.2021.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is having criminal history and he tried to hoodwink the process of law by furnishing false identity.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of prosecution report and the period of custody of the petitioner, he 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 District & Sessions Judge-IV-cum-Special Excise Court-2, Gopalganj, in connection with Excise Case No. 369 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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.



The learned trial court is directed to expedite the trial and conclude the same within six months.

(Arun Kumar Jha, J)

V.K.Pandey/-

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