

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23351 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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Rishabh Rai @ Shoundil @ Shoundil Rai @ Shaindil Kumar Son Of Late
Suneshwar Rai R/O Village- Baraipatti, P.S.- 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 : None.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Mukesh Kumar Singh, learned counsel for
the petitioner through video conference.

Learned APP for the State is not present.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Vishambharpur P. S. Case No. 120 of
2021 registered for the offences punishable under Section 30(a)
of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that while
the police was on patrolling duty, they saw a motorcycle



whereupon two persons were coming there and when the Police tried to catch them, they managed to flee away. It is further alleged that on search being made 107.60 litres country made liquor was recovered from gunny bag and this petitioner was identified by the informant.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession, moreover, he is in custody since 23.12.2021 and apart from the present case, he has one another criminal antecedent being Vishambharpur P. S. Case No. 174 of 2020 in which he is on bail.

Having considered the submissions made on behalf of the learned counsel for the petitioner and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, he is in custody since 23.12.2021, though the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Special Excise Court-II, Gopalganj in connection with Vishambharpur P. S. Case No. 120 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds



in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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