

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22927 of 2022

Arising Out of PS. Case No.-496 Year-2021 Thana- MALSALAMI District- Patna

Vijay Rai Son of Nandi Rai Resident of Village - Sharifaganj, P.S.-
Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Jay Ram Prasad, learned counsel for
the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Malsalami P.S.Case No. 496 of 2021 for
the offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that the
police on a secret information, intercepted pick-up-van in
which five persons were sitting. However, on seeing the
police party four accused persons fled away but the driver



of the said vehicle was apprehended. On search being made altogether 900 liters of country made Mahua liquor was recovered.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested at spot nor any incriminating material has been recovered from conscious and constructive possession of the petitioner. It is next submitted that save and except the disclosure made by the driver of the Pick -up-van. There is no other material which suggest the complicity of the petitioner in the present crime. It is next submitted that this petitioner is in custody since 26.03.2022, though the investigation of the crime is already completed.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is a habitual offender and there is multiple criminal antecedent which have been mentioned in Para -3 of the petition. Learned counsel for the petitioner in response to the aforesaid submission submits that only because of the past criminal antecedent his name has been transpired in the present crime.



Having heard the rival contentions of the parties and taking into consideration the fact that nothing has been recovered from person and possession of this petitioner and save and except the disclosure made by the chaukidar suggesting the complicity of the petitioner and he is in custody since 26.03.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Patna city in connection with Malsalami P. S. Case No. 496 of 2021 subject to the condition that one of the bailors will be the close relatives 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)

N.K/-

U		T	
---	--	---	--

