

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23579 of 2022

Arising Out of PS. Case No.-175 Year-2020 Thana- LALGANJ District- Vaishali

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RAJA RAI @ RAJ KUMAR RAI @ RAJA SINGH SON OF VINOD RAI @
BINOD SINGH R/O VILLAGE- BASANTPUR PATTI, P.S.- SARAIYA,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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

Lalganj P.S. Case No. 175 of 2020 registered for the offences

punishable under Sections 30(a), 32(2) and 41(1) of the Bihar

Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery

of 3432.12 litres Indian made liquor from the truck in question.

The petitioner and others were succeeded in fleeing away from

the place of occurrence. The name of the petitioner has been

surfaced on the basis of secret information.



Learned counsel for the petitioner submits that petitioner is in custody since 11.03.2022 and bears criminal antecedent of six cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner and he has falsely been implicated in the case. The petitioner was not apprehended on the spot. Co-accused Rakesh Kumar Singh and Golu Singh have already been granted bail vide Criminal Misc. No. 13095 of 2021 and Criminal Misc. No. 26818 of 2021 respectively by co-ordinate bench.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has been submitted in the case 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 Court of Exclusive Special Excise Court



No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 175 of 2020, 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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