

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25579 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- GANGABRIDGE District- Vaishali

BAM BHADUR RAI @ BAM BAHADUR RAI Son of Saryug Rai Resident
of Village - Diwan Tok, P.S.- Ganga Bridge, Distt.- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Ganga Bridge P.S. Case No. 42 of 2022 under Sections 30(A) of
the Bihar Excise Amendment Act, 2018.

The prosecution case, in brief is that the police during
night patrolling got secret information that the petitioner herein
along with other accused persons stored huge quantity of
country made liquor for sale purpose. The further allegation is
that apprehended persons disclosed their name as Bam Bahadur
Rai (the petitioner herein), Dharmu Rai, Umesh Rai and Vikash



Kumar. Upon search, altogether 825 liters of country made liquor was recovered behind the house of the petitioner. Accordingly, the FIR was lodged and the petitioner was taken into custody.

Learned counsel for the petitioner submits that the police has alleged to have recovered/seized the 825 liters country-made liquor from the back of his house. He further submits that the petitioner resides in Delhi and was at his native place only due to some marriage engagements and has been falsely implicated in this case for which he is still suffering by being in jail since 14.02.2022 (as stated in paragraph-10 of the bail application) despite the fact that he is an aged man of 60 years.

Considering the fact that the seizure has been shown to be from the back yard of the house of the petitioner, he is in custody since 14.02.2022 is having no criminal antecedent and the charge sheet stands submitted, this court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge cum Special Judge, Excise -1st



vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 42 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/-

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

