

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24453 of 2022

Arising Out of PS. Case No.-397 Year-2021 Thana- DARIYAPUR District- Saran

SHAILESH RAI @ SHAILESH KUMAR RAI S/o Arjun Ray Resident of
Village- Chhotka Baneya, P.S.- Derni, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Dariyapur P.S. Case No. 397 of 2021 registered for the alleged offences under Sections 120(B)/467/468/469/471 of the Indian Penal Code and Sections 30/30(a)/38/41 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, 2590 liters of spirit was recovered from a truck and scooty. Six persons including this petitioner were stated to have fled away from the spot when the raid was being conducted.



Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner is not the owner of the seized vehicle. The petitioner has not been engaged in selling, storage or possession of liquor in question and in improbable circumstances, he has been named in this case. Similarly placed co-accused Lallan Rai has been granted bail vide order dated 12.05.2022 passed in Cr. Misc. No. 60598 of 2021 and another co-accused Dharmendra Rai has been granted bail vide order dated 26.04.2022 passed in Cr. Misc. N o. 57890 of 2021 by a Coordinate Bench. Charge sheet has been submitted in this case and the petitioner is in custody since 18.02.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing has been shown to be recovered from his possession and also considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named 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 1st Exclusive Special Judge, Excise, Saran in connection with Dariyapur P.S. Case No. 397 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.

(Arun Kumar Jha, J)

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