

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24392 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- WARISNAGAR District- Samastipur

ARJUN RAI Son of Shatrughan Rai Resident of village - Purnahi, P.S.-
Warisnagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Warisnagar P.S. Case No. 217 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.03.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 909.00 litres of IMFL from the pickup van bearing
registration no. BR06G9389.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was found from a vehicle i.e. pickup van, which was found abundant in front house of one Dukha Sahni. It has further been submitted that nothing surfaced during course of investigation which may connect petitioner with alleged recovery, and moreover, the name of the petitioner surfaced in this case on the basis of secret information. It has further been pointed out that petitioner found involved in eight (8) cases and in most of the cases, name of the petitioner surfaced on the basis of confessional statement of the co-accused or on the basis of secret informant, as of present. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery is from the abundant vehicle, as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Warisnagar P.S. Case No. 217 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Excise Court No.2, Samastipur/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Arun Kumar Rai, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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