

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25163 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

SUNIL RAI Son of Sri Bhola Rai Resident of Village - Sonwalia , P.s.-
Baikunthpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Baikunthpur P.S. Case No. 163 of 2021 for the offences
under Sections 30(a) and 41 of the Bihar Prohibition and Excise
Amendment Act, 2018.

The allegation in the FIR is that the police upon secret
information proceeded towards the place of occurrence and saw
a truck surrounded by 15-20 persons. However, upon seeing the
police, the accused persons escaped from the place of
occurrence. The truck was seized and it is alleged that 5800
liters of country-made liquor was recovered/seized.



Learned counsel for the petitioner submits that he is a villager and due to village rivalry number of persons have been implicated. He further submits that he has no criminal antecedent. He lastly submits that some of the co-accused persons have since been enlarged on bail which he has annexed as Annexure-2 series of the bail application.

Considering the fact that the petitioner has not been arrested from the spot and there has not been any recovery from his conscious possession, he has no criminal antecedent, charge sheet stands submitted and other similarly situated accused persons, namely, Shatrudhan Sah @ Satrudhan Sah, Dhanes Prasad and Mantu Rai passed in Cr. Misc. No. 47085 of 2021, 49968 of 2021, 55839 of 2021 vide order dated 07.03.2022, 17.12.2021 and 07.01.2022 respectively have been released on bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Gopalganj in connection with Baikunthpur P.S. Case No. 163 of 2021, 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)

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