

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25751 of 2022**

Arising Out of PS. Case No.-98 Year-2019 Thana- KANTI District- Muzaffarpur

SATISH RAI S/o Vinod Ray R/o village- Sadatpur, P.S.- Kanti, District-  
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      24-06-2022      The present matter has been listed under the heading  
“To Be Mentioned” on the basis of motion slip filed on behalf of  
the petitioner.

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 in virtual court proceeding.

The petitioner seeks bail in connection with Kanti  
P.S. Case No. 98 of 2019 registered for the offences punishable  
under Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, on secret information  
police reached lichi orchard of Wasam Ram at Sadatpur. Seeing  
the police two persons fled away. During course of search, 53.64  
litre illicit foreign liquor was recovered from the said orchard. It



is further alleged that local people told the name of the petitioner and other.

Learned counsel for the petitioner submits that petitioner is in custody since 26.02.2022 and bears criminal antecedent of three cases of similar nature in which he is on bail. Petitioner was neither apprehended on the spot nor alleged recovery was made from his possession. Seizure list has not been made as per law. The alleged recovery has been made from orchard of lichi of Wasam Ram which is open place and petitioner has no concern with the seized illicit liquor. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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 is not apprehended on the spot, charge sheet has been submitted 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 Exclusive Special Judge (Excise) Court No. II,



Muzaffarpur in connection with Kanti P.S. Case No. 98 of 2019,  
subject to following conditions:-

(i) One of the bailor shall be either father or mother  
or sister or brother or wife or the person who 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 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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