

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25365 of 2022

Arising Out of PS. Case No.-383 Year-2021 Thana- BARHARA District- Bhojpur

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Amarjeet Rai Son of Rabindra Rai, R/O Village- Saligram Singh Ka Tola,
P.S.- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Dharmesh Kumar Shrivastava, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Barhara P.S. Case No. 383 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police on a secret information raided the house of the petitioner. However, it is alleged that on noticing the police, the petitioner and one co-accused Bablu Rai fled away. It is further alleged that thereafter the police reached to the vacant field of Sadhu



Yadav from where 300 litres of Mahua liquor was seized.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the post nor any incriminating material has been recovered from his person or possession, moreover from the F.I.R. it is alleged that the recovery has been made from the field of Sadhu Yadav, which is accessible to all. It is next submitted that one of the co-accused, namely, Bablu Rai, having identical allegation, has already been granted anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 55954 of 2021 vide order dated 08.04.2022. The petitioner is in custody since 17.12.2021 and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application. However, he shows his enableness to confront the fact that similarly situated co-accused person has already been granted anticipatory bail by the learned coordinate Bench of this Court.

Having considered the submissions made on behalf of the parties and considering the fact that nothing has been recovered from the person or possession of this petitioner and moreover the co-accused person, having identical allegation, has



already been granted anticipatory bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge, Bhojpur at Ara in connection with Barhara P.S. Case No. 383 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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