

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26450 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- GANGABRIDGE District- Vaishali

Dharmu Rai Son Of Late Sitaram Rai R/O Village- Divantok, P.S.-
Gangabridge, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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

The petitioner is in custody in connection with
Gangabridge P.S. Case No. 42 of 2022 under sections 30(a) of
Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that while the
informant with his police team was on patrolling duty, he got
secret information that Bam Bahadur Rai, Dharmu Rai, Umesh
Rai and Vikash Kumar had stored huge quantity of country
made liquor with a view to sell the same behind the house of
Bam Bahadur Rai. The police raided the area and arrested them
who disclosed their name as Bam Bahadur Rai, Dharmu Rai,



Umesh Rai and Vikash Kumar. Upon search, altogether 825 liters of country made liquor was recovered/seized from behind the house of Bam Bhadur Rai and accordingly FIR was instituted.

Mrs. Bela Singh, the learned counsel for the petitioner submits that the 825 liters of country made liquor has been alleged to be recovered from behind the house of Bam Bahadur Rai and not from the conscious possession of the petitioner. She further submits that the petitioner has absolutely no criminal antecedent and is in custody since 14.2.2022 (as stated in para-13 of the bail application).

Considering the aforesaid submission of the petitioner as also that the charge-sheet stands submitted, he is in custody 14.2.2022 and there is no criminal antecedent against him (as stated in para- 3) of the bail application, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Exclusive Special Excise Court no.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur, in connection with Gangabridge P.S. Case No. 42 of 2022 subject to the following conditions:



(i) one of the bailors should be the family members 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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