

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26651 of 2022

Arising Out of PS. Case No.-440 Year-2020 Thana- KANTI District- Muzaffarpur

BRINDA RAI @ BIRENDRA RAI @ VIRENDRA RAY SON OF KIRA
RAY R/O VILLAGE- BANGARI, P.S.- KANTI (PANAPUR O.P.),
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2022 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.

The petitioner seeks bail in connection with Kanti
(Panapur O.P.) P.S. Case No. 440 of 2020 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 1031.04 litres illicit foreign liquor has been kept hidden
under firewood stalks. Petitioner is alleged to sell illicit liquor
alongwith others.

Learned counsel for the petitioner submits that



petitioner is in custody since 02.03.2022 and bears criminal antecedent of three cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from conscious possession of the petitioner and he is not apprehended on the spot.

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, the petitioner was not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Special Judge Excise, Muzaffarpur in connection with Kanti (Panapur O.P.) P.S. Case No. 440 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission, 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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