

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27018 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- VAISHALI District- Vaishali

Virendra Rai @ Virendra Kumar Yadav, Son of Chandeshwar Rai, Resident of Village - Mauna @ Mauna Mahima, P.S. - Vaishali (Belsar O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Vaishali (Belsar O.P.) P.S. Case No. 366 of 2021 registered for the alleged offences under Sections 272, 273, 414, 420, 467, 468, 471, 120B and 34 of the Indian Penal Code and Sections 30(a), 32(ii)/3+11/38(ii) and 41 of the Bihar Prohibition and Excise Act.

As per prosecution case, total 3923.81 litres of India made foreign liquor was recovered from a truck and other



smaller vehicles. The petitioner and other co-accused persons are alleged to have fled away from the spot when the raid was being conducted.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The police named this petitioner merely on suspicion. The petitioner is neither the owner nor the driver of any of the seized vehicle and was not present at the place of occurrence as alleged. Similarly placed co-accused Rakesh Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 15.04.2022 passed in Cr. Misc. No. 17128 of 2022. The petitioner is in custody since 27.03.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that huge quantity of liquor has been recovered from different vehicles and the petitioner is part of the syndicate of persons who are involved in illegal trade of liquor.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from the



petitioner and further considering the clean antecedent as well as the submission of charge-sheet and period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Excise Special Judge-II, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 366 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

