

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27147 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- DARIYAPUR District- Saran

1. Bijendra Rai, S/o Ram Lakhi Rai, Resident of Village- Chak Jalal, P.S.- Parsa, District- Saran (Chapra)
2. Shivcharan Rai, S/o Late Daya Rai, Resident of Village- Chak Jalal, P.S.- Parsa, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

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 petitioners seek bail in connection with Dariyapur P.S. Case No. 171 of 2022 registered for the alleged offences under Sections 272, 273, 290 and 504 of the Indian Penal Code and Sections 30(a), 30 (b), 33/41 of the Bihar Prohibition and Excise Act.

The prosecution case is that on secret information that some traders of illicit liquor were operating manufacturing



unit of illicit liquor in *Chakjalal Hardiya Chawar*, the police conducted a raid and from the spot, 13 persons were apprehended and two persons escaped from there. One of the apprehended persons is the petitioner. Further, from the spot, 400 litres of country made liquor was recovered and five motorcycles were recovered from there and on each motorcycle, 10 liters of country made liquor was seized.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case and they have no involvement in any sale, purchase, transport and manufacturing of liquor. Further nothing has been recovered from conscious possession of the petitioners. The charge sheet has been submitted in this case and the petitioners are in custody since 01.04.2022 and are having clean antecedent. The co-accused person, namely, Kuber Rai has been granted bail by a Coordinate Bench of this Court in Cr. Misc. No.27879 of 2021.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and further considering the fact that co-accused has been granted bail and also considering the



period of custody of the petitioners, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court of 1st Exclusive Special Judge, Excise Act, Saran, Chapra in connection with Dariyapur P.S. Case No.171 of 2022, subject to the following conditions :

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

V.K.Pandey/-

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(Arun Kumar Jha, J)

