

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27593 of 2022

Arising Out of PS. Case No.-43 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

Ramu Rai @ Ram Kishor Rai, Son Of Late Chethru Rai R/O Village-
Inderjeet Baliya, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State through virtual mode in view of
COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Bochahan P.S. Case No.43/2020 instituted under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that there is
recovery of 314.460 liters of foreign liquor from the house of
the petitioner when the police made the raid. Accordingly, the
present case was lodged.

Learned counsel for the petitioner submits that the
alleged recovery of 314.460 liters of foreign liquor has been
attributed to the house of the petitioner which is a common



house and there has not been any recovery from the conscious possession of the petitioner. He further submits that he has no criminal antecedent and is in custody since 20.02.2022 (as stated in para-18 of the bail application).

Considering the fact that the recovery/seizure is from a common house, he has no criminal antecedent, is in custody since 20.02.2022 and the charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bochahan P.S. Case No.43/2020 to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member 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 cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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