

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27318 of 2022

Arising Out of PS. Case No.-104 Year-2019 Thana- AGIAON BAZAR District- Bhojpur

SONU RAI Son of Vishram Rai @ Bishram Rai Resident of Village - Prema
Rai Ke Tola, Kataria, P.s.- Agiaon Bazar, Distt.- Bhojpur (Ara)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Rai
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Agiaon
Bazar P.S. Case No. 104 of 2019 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 846
litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of police spy, where recovery has been made from alleged vehicle. It is also submitted that nothing surfaced during course of investigation, which may connect the petitioner with the present set of recovery of illicit liquor. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from abandoned vehicle, as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery has been made from abandoned vehicle and nothing surfaced during course of investigation, which may connect the petitioner, *prima-facie*, with the present set of recovery, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Agiaon Bazar P.S. Case No. 104 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Session Judge, Bhojpur(Ara)-cum-Exclusive Special Excise Court No. 1st, Bhojpur (Ara)/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Vishram Rai @ Bishram Rai, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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