

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28749 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- MEHANDIA District- Jehanabad

Laxman Rai, S/o- Ram Sundar Ray, Resident of Village- West Rauja, P.S.-
Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
		Mrs. Rajani Kumari, Advocate
For the Opposite Party/s :		Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Today this case has been listed out of turn on the
motion slip filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Vijay Kumar, learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mehandia P.S. Case No. 65 of 2021 registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that the police on
a secret information intercepted two trucks and on search being



made, altogether 2186.64 and 2304.36 litres of illicit foreign liquor have been recovered respectively from both the vehicles.

It is submitted by the learned counsel appearing on behalf of the petitioner that the name of the petitioner has transpired on the basis of confessional statement of the driver of the truck. However, the petitioner was neither arrested nor any incriminating material has been recovered, moreover the trucks, which were seized by the police do not belong to the petitioner. It is next submitted that other similarly situated persons, having identical allegations, have already been granted bail by learned coordinate Benches of this Court, the copies of which have been brought on record as Annexure- 2 Series. It is next submitted that this petitioner is in custody since 23.03.2022 and moreover the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the complicity of the petitioner has come during the course of investigation.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner, moreover, the persons, having identical



allegations, have already been granted bail by different coordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Jehanabad in connection with Mehandia P.S. Case No. 65 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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