

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28075 of 2022

Arising Out of PS. Case No.-645 Year-2021 Thana- SONEPUR District- Saran

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Rambhu Rai @ Sanjay Rai Son of Dev Raj Rai Resident of Village -
Chitrasenpur, P.s.- Sonepur, Distt.- saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Sonepur P.S. Case No. 645 of 2021 under sections 30(a) of
Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that the informant
received information about illegal manufacturing and sale of
liquor by some persons in the orchard of one Dharmvir Singh.
The informant along with armed force reached the said orchard
upon which 10-12 persons who were present in the orchard fled
away. The informant recovered/seized 100 liters of country
made liquor, gas sylender and one mobile.



Mr. Prabhakar Singh, learned counsel for the petitioner submits that 100 liters of 'Chullai' was recovered/seized from the place which belongs to Dharmvir Singh. However, before police arrived, the accused persons fled away and the local people out of village rivalry gave the names of the accused persons including the petitioner. He further submits that he has absolutely no concern with the said recovery/seizure and not from the petitioner.

Considering the fact that the petitioner is in custody since 02.12.2021 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of 2nd Exclusive Special Excise Court, Saran at Chapra, in connection with Sonapur P.S. Case No. 645 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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