

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28267 of 2022

Arising Out of PS. Case No.-69 Year-2020 Thana- PATORI District- Samastipur

ANIL RAI @ ANIL RAY Son of Jhamman Rai Resident of Village -
Mohanpur, P.s.- Patori, (Mohanpur O.P.), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 272,
273/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

Recovery is of 240.12 litres of foreign liquor from the
Scorpio vehicle.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely
implicated in the present case only on the basis of suspicion. He



further submits that the petitioner has no concern at all with the alleged recovery and the vehicle in question does not belong to the petitioner and the same belonged to one Satnarayan Singh. He further submits that nothing has been recovered from the possession of the petitioner and during investigation no cogent material has come against the petitioner. He further submits that co-accused namely Pawan Kumar has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 01.10.2020 in Cr. Misc. No. 24479 of 2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Patori (Mohanpur O.-P.) P.S. Case No. 69 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

