

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28966 of 2022

Arising Out of PS. Case No.-405 Year-2019 Thana- LALGANJ District- Vaishali

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Anil Rai @ Anil Kumar Rai Son Of Javahar Rai R/O Village- Salempur, P.S.-
Lalganj, District- Vaishali

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State, through virtual Court proceedings.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

Allegation is of recovery of 200 litres of country
made liquor from a Gypsy bearing registration No. DL9C-1163.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has no concern with the seized
illicit liquor. It is submitted that mandatory provision of Sub-
section 2 of Section 74 and Section 82 of Bihar Prohibition and
Excise Act with respect to search and seizure have not been
followed. Further, it is submitted that the petitioner's name



transcribed in this case, on the confessional statement of the other co-accused namely, Raj Narayan. It is further submitted that the petitioner is in custody since 25.03.2022 and has criminal antecedent of one case.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) only each two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Lalganj P.S. Case No. 405 of 2019, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every dated fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in the other case of similar nature after his release in the present



case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

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

(Khatim Reza, J)

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