

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29778 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- WARISNAGAR District- Samastipur

=====

ARJUN RAI Son of Shatrughan Rai Resident of Village - Purnahi, P.S.
Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Warisnagar P.S. Case No. 218 of 2021 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Amendment Act, 2016/2018.

As per prosecution case, there is alleged recovery

of 871.125 litres of illicit foreign liquor from pickup van in

question.

Learned counsel for the petitioner submits that

petitioner is in custody since 10.03.2022 and bears criminal

antecedent of eight cases in which six is of similar nature.



Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel further submits that petitioner is not named in the FIR and the name of the present petitioner has surfaced on the confessional statement of co-accused Rajkumar Rai, as mentioned in impugned order. It is further submitted that nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise Court No. 02, Samastipur in connection with Warisnagar. P.S. Case No. 218 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

minu/-

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

