

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39489 of 2021**

Arising Out of PS. Case No.-157 Year-2020 Thana- DUMRA District- Sitamarhi

SUBODH RAI @ SUBODH RAY S/O LATE DHANUSH RAY @ LATE
DHANUKH RAY R/O VILLAGE-KAURIYA LALPUR @ KAUDIYA
LALPUR, P.S-RUNNISAIDPUR, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 05-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 19.03.2021,
seeks bail in connection with Dumra P.S. Case No. 157 of 2020,
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether
1455.480 litres of Indian Made Foreign Liquor was recovered
from the pick up vehicle.

Learned counsel appearing on behalf of the
petitioner submits that the name of the petitioner has surfaced



in the confessional statement of co-accused Durga Kant Rai and Chandan Rai. He further submits that petitioner has no connection either with the said vehicle from which the alleged liquor has been recovered or with the co-accused, who have been apprehended in the present case. He further submits that petitioner is not involved in any illicit trade of liquor and he has been roped in this case due to dirty village politics.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of illicit liquor has been recovered and as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case and the fact that petitioner has been made accused in this case on the basis of confessional statement of other co-accused. One case is pending against the petitioner under Section 30(a) of the Bihar Prohibition and Excise Act, arising out of Runnisaipur P.S. Case No. 714 of 2018, as stated in paragraph No.3 of the petition. The learned Court below is directed to release the petitioner on bail subject to the condition that a report be called for from the Superintendent of Police, Sitamarhi with respect to the criminal antecedent of the petitioner and if it is found that no other case, what has been



stated in paragraph No.3 of the petition, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned A.D.J-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Dumra P.S. Case No. 157 of 2020 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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