

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40869 of 2021**

Arising Out of PS. Case No.-307 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

ABHISHEK RAI @ ABHISHEK ROY S/o Late Samir Roy R/o village-  
Bidhan Nagar, P.S.- Fashidawa, District- Darjeeling (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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

2      07-01-2022      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and learned APP 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 20.12.2020,  
seeks bail in connection with Kochadhaman P.S. Case No. 307  
of 2020, for the offence punishable under Sections 30(a), 35, 36,  
and 41 of the Bihar Prohibition and Excise Act, 2016.

Altogether several vehicles were seized in course of  
raiding, so far petitioner's vehicle bearing registration no. WB  
04H-1502 being TATA ZEST XE, 90 liters of illicit liquor was  
recovered. Altogether 720 illicit liquor was recovered from the  
two vehicles, another vehicle bearing registration no.WB 73F-



6650.

Learned counsel appearing on behalf of the petitioner submits that he has made specific statement in paragraph no.9 that he is one of the passengers of the vehicle. He further submits that he has falsely been implicated in this case and he is not engaged, in any manner, in the trade of illicit liquor, which has been seized and as such he deserves to be released on bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, it is directed that the learned Court below after verifying the criminal antecedent of the petitioner and on being satisfied as to whether any other criminal case or excise case is pending against the petitioner, the petitioner above named be released on bail on furnishing bail bond of Rs.1,00,000/- ( Rs. One Lakh) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Special Judge (Excise) Kishanganj in connection with Kochadhaman P.S. Case No. 307 of 2020 giving rise to Special Case No. 378 of 2020, subject to the following conditions:-

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

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

(iii) If the petitioner tampers 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 petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(Purnendu Singh, J)**

brajesh kumar/-

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