

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30496 of 2022**

Arising Out of PS. Case No.-259 Year-2021 Thana- SURSAND District- Sitamarhi

VINEK RAUT Son of Uttam Raut @ Uutim Raut Resident of Village -
Jamuniya, P.s.- Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

**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
Sursand P.S. Case No. 259 of 2021 registered for the offences
punishable under Section 414 of the I.P.C. read with Section
30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 450 bottles Nepali Saufi liquor from the motorcycle in
question. The petitioner is alleged to be the owner of said
motorcycle.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.04.2022. Petitioner bears



criminal antecedent of one case of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has been dragged in this case with malicious intention at the hands of his enemy in collusion with the police. The petitioner has no concern with the recovered wine. The petitioner is not apprehended on spot.

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, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. - II, Sitamarhi in connection with Sursand P.S. Case No. 259 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 without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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