

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31454 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

NAWAL RAI @ NAVAL RAI son of Shri Lal Babu Rai Resident of -
Madhopur Hazari, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Ms. Rupa Kumari, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sahebganj P. S. Case No. 361 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information that all the F.I.R. named accused



persons including 5 to 7 unknown person are engaged in business of manufacturing and selling illicit *desi chulai* liquor, raided the place of occurrence, however, on noticing the police force, the accused persons succeeded in fleeing away. The village Chaukidar identified the accused persons including the petitioner and on search, total 70 litres country-made wine was recovered from the field of PWD at Basdevpur Saray Mushhar Tola.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from the field of PWD and the petitioner has neither any concern with the alleged recovered wine nor the place belongs to the petitioner. It is further submitted that the petitioner has neither arrested at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure of the name of petitioner by the local Chaukidar, there is no other material against the petitioner, only on account of one past criminal antecedent, his name has been implicated in this case. It is lastly submitted that he petitioner is in custody since 24.07.2021 and the investigation of the crime is already completed and the charge sheet has been submitted much earlier.



On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from the field of PWD and the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise Court No.-II, Muzaffarpur in connection with Sahebganj P. S. Case No. 361 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will
liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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