

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32372 of 2022

Arising Out of PS. Case No.-628 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Nawal Rai @Naval Rai, Son of Lalu Rai @ Lal Babu Rai, Resident of
Village- Madhopur Hazari, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Yugal Kishore, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sahebganj P.S. Case No. 628 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that the police on a secret information that co-accused Mahesh Kumar along with 5 to 6 persons were indulge in manufacturing and selling of illicit country made Chulai liquor, raided the place of



occurrence. However on noticing the police party, 5-7 persons succeeded in fleeing away. It is further alleged that the local Chaukidar identified the accused persons and disclosed their names. On search, 200 litres of Deshi Chulai liquor and other utensils as well as apparatus were recovered from the place of occurrence. It is further alleged that 5000 litres of semi prepared illicit country made liquor was also recovered, which was destroyed by the police and 40 litres of illicit Chulai liquor recovered from the house of co-accused Sanjay Rai.

Learned Counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a Government land and from the house of co-accused Sanjay Rai. So far this petitioner is concerned, he was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. He further submits that save and except the disclosure made by the local Chaukidar, there is no other material suggesting the complicity of the petitioner. He lastly submits that the petitioner is in custody since 17.11.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found accused in one another case of similar nature.

Having regard to the submissions made on behalf of



the parties and considering the fact that the alleged recovery has been made from a Government land and from the house of the Sanjay Rai and so far the petitioner is concerned, he was neither arrested at the spot nor any incriminating material has been recovered, let the petitioner, named above, 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. 628 of 2020, subject to the condition that one of the bailors will be the close relatives 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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