

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34109 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- BHAGWANPUR District- Vaishali

Vijay Rai, Son of Musafir Rai, Resident of Village - Sorhatha , P.s.- Vaishali,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34903 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- BHAGWANPUR District- Vaishali

Niraj Rai, S/o Rambahadur Rai, R/o village- Sorhatha, P.S.- Vaishali, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34109 of 2022)

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

For the Opposite Party/s : Mr.Khurshid Anwar, APP

(In CRIMINAL MISCELLANEOUS No. 34903 of 2022)

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

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Since both the applications arise out of Bhagwanpur
P.S. Case No. 199 of 2021, as such, they have been heard
together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Bhagwanpur P.S. Case No. 199 of 2021 registered for the alleged offences under Sections 467, 468, 471, 120(B), 272 and 273 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information about unloading of illicit liquor from a truck to smaller vehicles and a raid was conducted and a truck and Bolero vehicle were seized. From the truck, total 1572 litres of India made foreign liquor and from the Bolero vehicle, 983 litres of India made foreign liquor were recovered. Miscreants fled away from the spot and the police came to know that the petitioners and other co-accused persons were to receive this consignment of illicit liquor.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case as they were neither apprehended from the spot nor anything incriminating has been recovered from their possession. The petitioners are neither the owner of the vehicles



nor they have anything to do with the recovery made from these two vehicles. The police has very conveniently named the petitioners in the case without having any material to implicate them. Charge-sheet has been submitted in this case and the petitioners are in custody since 30.04.2022.

Learned APP opposes the prayer for bail submitting that the petitioners have been named in this case on the basis of information received by the police for being involved in the illicit trade of liquor. The petitioners are having criminal antecedents and a number of cases of similar nature are pending against them.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been made from the petitioners and nothing came up on record in a substantive manner to show the connection of the petitioners with the alleged recovery and further considering the submission of charge-sheet and their period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.-1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with G.R. No.-147 of 2022 (Bhagwanpur P.S. Case



No. 199 of 2021), subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the person, who has sworn the affidavit in the case.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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