

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34683 of 2022**

Arising Out of PS. Case No.-554 Year-2021 Thana- MADHAURAH District- Saran

SAHEB RAI SON OF LAXMAN RAI @ LAXMAN PRASAD YADAV R/O  
VILLAGE- POJHI BHUALPUR, P.S.- MARHOWRAH, DISTRICT-  
SARAN (CHAPRA)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      12-08-2022                      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  
Marhowrah P.S. Case No. 554 of 2021 registered for the  
offences punishable under Sections 30(a) and 41(i) of the Bihar  
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery  
of 2450 litres illicit spirit from the Truck, pickup van and Bolero  
in question. Petitioner and others fled away from the place of  
occurrence. However, one person was apprehended who  
disclosed the name of petitioner and others who fled away.



Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2022. Petitioner bears two criminal antecedent of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern either with the seized vehicles or with the recovered illicit spirit. Petitioner is not apprehended on spot. Co-accused Rakesh Kumar Rai disclosed the name of present petitioner who fled away from the place of occurrence. Co-accused Rakesh Kumar Rai has already been granted bail vide Cr. Misc. No. 63207 of 2021 by the co-ordinate bench of this court.

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 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Exclusive Special Excise Court, Chapra, District Saran in connection with Marhowrah P.S. Case No. 554 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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