

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35229 of 2022

Arising Out of PS. Case No.-353 Year-2018 Thana- BASANTPUR District- Siwan

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ARVIND RAI @ ARVIND RAY Son of Late Rajendra Ray @ Rajendra Rai
Resident of Village- Dabchhu, P.S.- Basantpur (Lakri Nabiganj O.P.), District
- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Basantpur P.S. Case No. 353 of 2018 registered for the offences
punishable under Sections 272, 273, 308 of the I.P.C. and
Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery
of 779.76 litres of illicit liquor from mini bus in question and
the apprehended co-accused Ajay Kumar and Jay Prakash
disclosed that they were supplying the illicit liquor to the



petitioner and others.

Learned counsel for the petitioner submits that petitioner is in custody since 19.05.2022 and bears criminal antecedent of one case of similar nature. Petitioner is not named in the FIR and the name of the petitioner transpired in this case on the basis of confessional statement of co-accused, Pramod Kumar Rai. He further submits that nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in this case. The petitioner had no knowledge about the said recovered liquor. The petitioner is not apprehended on the spot. Co-accused Rajesh Kumar Ray, Dinesh Rai and Ashok Rai have already been granted anticipatory bail vide Cr. Misc. No. 60059 of 2019, Cr. Misc. No. 52909 of 2019 and Cr. Misc No. 21795 of 2019 respectively by the co-ordinate benches of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the F.I.R 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.1, Siwan in connection with Basantpur P.S. Case No. 353 of 2018, 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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