

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36532 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- RIVILGANJ District- Saran

Dhanteras Rai @ Dhanteras Ray Son of Ram Jatan Rai R/O Village- Sangar
Tola, P.S.- Rivilganj, District- Saran (CHHAPRA).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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 Rivilganj
P.S. Case No. 85/2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 100 liters illegal country made liquor from the motorcycle
in question. The petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession
of the petitioner and the said motorcycle does not belong to the



petitioner. He further submits that the petitioner was neither indulged in such type of crime nor concerned with the seized liquor. Seizure list has not been prepared as per law. The petitioner is languishing in custody since 16.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-2nd cum Special Judge, Excise, Saran at Chapra, in connection with Rivilganj P.S. Case No. 85/2022, 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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