

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36600 of 2022

Arising Out of PS. Case No.-169 Year-2019 Thana- SALIMPUR District- Patna

Prince Rai @ Prince Kumar Son Of Nageshwar Ray R/O- Vill-Gayaspur
Mahaji, P.S.- Salimpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 petitioner seeks bail in connection with Salimpur P.S. Case No. 169 of 2019 registered for the alleged offences under Sections 30(a)/32(1)(2)(3)/41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, the police received secret information about FIR named co-accused persons bringing a truck loaded with illicit liquor and a raid was conducted at an identified place and total 5328 liters of illicit India made foreign liquor was recovered. The name of the petitioner later on



transpired as one of the persons involved in this trade of liquor.

Learned counsel for the petitioner submits that the petitioner has not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. There is no specific allegation against this petitioner and from the FIR, it is clear that the co-accused Lukesh Rai and Uday Rai are main suppliers of the illicit liquor. The petitioner is neither the owner of the truck nor its driver. Six co-accused persons have been granted anticipatory bail vide order dated 06.03.2020 passed in Cr. Misc. No. 76127/2019 by a Coordinate Bench. Further, four more co-accused persons have been granted bail vide order dated 09.06.2020 passed in Cr. Misc. No. 70324/2019 by another Coordinate Bench. The case of the petitioner is similarly placed and his case similar to the other co-accused persons who have been granted bail. Charge sheet has been submitted in this case and the petitioner is in custody since 18.10.2021. The petitioner has got criminal antecedent but he is on bail on both cases.

Learned APP for the State opposes the prayer for bail for the petitioner submitting that huge recovery of liquor has been made. The petitioner has been named in the FIR.

Having regard to the submission made on behalf of



the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him except the recovery mentioned in the FIR for which a large number of persons have been made accused and further considering grant of bail to similarly placed co-accused persons and also the period of custody along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Barh in connection with Special Case No. 7192/2019 arising out of Salimpur P.S. Case No. 169 of 2019, 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 petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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