

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45727 of 2021

Arising Out of PS. Case No.-218 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAHAMTULLA RAI @ RAHAMTULLA RAYEN @ MUNNA MIYA S/o
Abdul Sattar Raye @ Sattar Miya @ Sagar Miya R/o Village- Madhaul, P.s.-
Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 11-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 25.06.2021,
seeks regular bail in connection with Saraiya P.S. Case No. 218
of 2021, for the offence punishable under Section 272 and 273
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether
993.600 litres of premium whisky was recovered by the Police
near village-Batraulia petrol pump, which was being carried
loaded on Pick up van bearing registration No. BR06GD-1103.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case due to dirty village politics as his wife was contesting for the post of Ward Parshad. He further submits that petitioner is not the owner of said vehicle from which the alleged illicit liquor is said to be recovered.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the above mentioned facts and circumstances of the case as well as poor health of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Muzaffarpur in connection with Saraiya P.S. Case No. 218 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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