

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36984 of 2022

Arising Out of PS. Case No.-456 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Satyanarayan Rai @ Satyanarayan Ray Son Of Ram Sahay Rai R/O- Vill.-
Bangra Nizamat, P.S.- Sahebganj, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Yugal Kishore, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sahebganj P. S. Case No. 456 of 2019 registered for the offences punishable under Sections 272, 273, 414 read with 34 of the Indian Penal Code and Section 30 (a) (d), (g) and 41 (1) of the Bihar Prohibition and Excise Act.

As per the prosecution case, the allegation against the petitioner is said to be engaged in trade of illicit wine and on



a secret information, the police intercepted a motorcycle and on search, total 25 litres country-made liquor was recovered. On the disclosure made by the apprehended person total 400-500 litres of solution of Mahua and Mitha was destroyed and other apparatus and utensils were also recovered from the bank of river.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from the bank of river, which is accessible to all, so far 25 litres country-made liquor is concerned, the same has been recovered from the possession of Vishwanath Sahni, who disclosed the name of the other persons including the petitioner. It is next submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the petitioner having fair antecedent, is in custody since 28.03.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of this petitioner in



the present crime and moreover, the petitioner having fair antecedent, is in custody since 28.03.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise Court No.-II, Muzaffarpur in connection with Sahebganj P. S. Case No. 456 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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