

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37272 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- VAISHALI District- Vaishali

Arjun Rai, Son of Aklu Ray, R/o Village- Karneji, P.S.- Vaishali (Belsar O.P.),
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Nityanand, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Vaishali (Belsar O.P.) P.S. Case No. 53 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police in course of search, recovered 849.340 litres of Indian made foreign liquor from different places. The name of the petitioner has been disclosed by local Chaukidar.



Learned counsel for the petitioner submits that the alleged recovery has been made from the bamboo field and a mango orchard, which do not belong to the petitioner. He next submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession. He further submits there is no compliance of Section 100 of the Cr.P.C. and, moreover, the petitioner, having fair antecedent, is in custody since 05.10.2021.

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

Regard being had to the nature of the allegation as also taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and he is in custody since 05.10.2021, let the petitioner, named above, 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 Exclusive Prohibition and Excise Court No. 2-cum-Additional Sessions Judge, Hajipur, Vaishali in connection with Vaishali (Belsar O.P.) P.S. Case No. 53 of 2021, 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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