

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37561 of 2022

Arising Out of PS. Case No.-81 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Rakesh Kumar Rai, Son of Late Raj Narayan Rai @ Late Suresh Rai,
Resident Of Village- Allipur Mukund, P.S.- Mahua, District- Vaishali At
Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Case No. C-2A No. 81 of 2020 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, recovery of 230.040 litres of
India made foreign liquor was made concealed beneath
firewood in front of the house of the petitioner.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The recovery is stated to be made from the firewood kept outside the house of the petitioner. Further seizure does not reflect the name of any family members of the petitioner and no copy of seizure list was served upon the family members of the petitioner. This fact shows there is no recovery from the premises or from the possession of the petitioner. Prosecution report has been submitted and the petitioner is in custody since 25.05.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and he is accused in similar cases.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of prosecution report along with his period of custody, 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 Additional District and Sessions Judge-II-cum-Special Judge Excise, Vaishali at Hajipur, in connection with Case No. C-2-A



No. 81 of 2020, 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 the deponent, who has sworn the affidavit.

(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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