

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47364 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- DAGARUA District- Purnia

VISHWAJIT RAI Son of Late Vinod Rai Resident of Adhikari Dhemra
Bhitta, P.S. - Kharibari, District - Darjeeling (West Bengal).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 01-04-2022 The applicant/accused in Crime No.4 of 2021 registered with Police Station-Dagarua (Special Excise Case No.14 of 2021) for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, by this application is seeking his release on bail after filing of the charge-sheet.

Heard both sides.

It is argued that the applicant is not having any criminal antecedents. He is mere driver of the truck in which the illicit liquor was found.

The learned A.P.P. opposed the application by contending that more than 1400 liters of illicit liquor came to be seized from the truck driven by the applicant.

As the applicant is undisputedly having no criminal



antecedents and as the investigation of the subject crime is over, I see no reason to refuse bail to the applicant. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.4 of 2021 registered with Police Station-Dagarua (Special Excise Case No.14 of 2021) for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, be released on bail on executing P.R. bond of Rs.20000/-(Rupees Twenty Thousand) and on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.



(IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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