

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47561 of 2021

Arising Out of PS. Case No.-95 Year-2021 Thana- SUPPI District- Sitamarhi

BINOD RAI @ VINOD RAY Son of Shiv Narayan Rai Resident of Village -
Motipur, P.S.- Suppi, District - Sitamarhi - 843313.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

Petitioner who is in custody since 13.06.2021 seeks
regular bail in connection with Suppi P.S. Case No. 95 of 2021
registered for offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 344 litres
of Nepali Soufi wine was recovered from Akhta Ghat which was
kept there by the petitioner and co-accused Birendra Rai.

Learned counsel appearing on behalf of the petitioner
submits that due to enmity with the local *choukidar*, the



petitioner has been roped in the present case and nothing has been recovered from the conscious possession of the petitioner. There is no iota of evidence that the petitioner was ever involved in the illicit trade of liquor. He further submits that petitioner has clean antecedent and he is in custody since 13.06.2021 for no fault.

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

Considering the facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioner, the petitioner above named is directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge II-cum-Special Judge (Excise), Sitamarhi in connection with Suppi P.S. Case No. 95 of 2021 subject to the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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