

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40402 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- DARIYAPUR District- Saran

Loknath Ray Son Of Late Marayee Rai R/O Village- Bajahiya, P.S.- Dariapur,
District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate.

For the Opposite Party/s : Mr. Kanhiya Kishore, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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. Nawal Kishore Singh, 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 Dariapur P. S. Case No. 173 of 2022 registered for the offences punishable under Sections 30, 30 (a), 33, 41 and 30(b) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information, conducted a raid and apprehended two persons including the petitioner and on the



disclosure made by them, three tube containing 300 litres illicit wine was recovered. It is also alleged that 200 litres semi prepared liquor was also found, which was destroyed by the police.

Learned counsel appearing on behalf of the petitioner submitted that from the seizure list, it is evident that the alleged recovery has been made from Hardiya Chawar near Akilpur Police Station, Dariapur, Saran and there is no signature of the petitioner, which shows that nothing has been recovered from the person or possession of the petitioner. It is also submitted that the petitioner, having fair antecedent, is in custody since 01.04.2022 and the investigation of the crime is already completed and the charge sheet has been submitted. It is last submitted that there is no compliance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016.

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

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner, having fair antecedent, is in custody since 01.04.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted and there is



other infirmities in preparation of seizure list, 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 Additional District and Sessions Judge- II-cum-Special Judge, Saran at Chapra in connection with Dariapur P. S. Case No. 173 of 2022, 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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