

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40416 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- RAJAOLI District- Nawada

Sunil Rajvanshi S/o Deo Rajvanshi@ Deo Ram , Resident of village-Shamani, P.S- Rajauli, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Rajauli P.S. Case No. 159 of 2021 for the offences punishable under Sections 30(a), of the Bihar Excise (Prohibition) Amendment Act.

The police on a secret information with regard to manufacturing of illicit Mahua liquor raided near Kashiara river, Dhobiya Chak Forest however, noticing the police party, the person present there succeeded in fleeing away



and on search 100 liters of Mahua liquor and other utensils used for manufacturing of country made liquor and one motorcycle was recovered.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession. However, the name of the petitioner has been disclosed by local chawkidar and save and except the disclosure made by local chawkidar, there is no other material against the petitioner. He further submits that in fact, only on account of past criminal antecedent, the name of the petitioner has been implicated in this case and petitioner is on bail in all other four cases besides the present one. He last submits that the investigation of the crime is already completed and the charge sheet has been submitted, though the petitioner is in custody since 30.04.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has found involved in four criminal cases.

Regard being had to the submission made on



behalf of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from person or possession and save and except the disclosure made by the local chawkidar, there is no other material, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II Nawada in connection with Rajauli P.S.Case No. 159 of 2021 subject to the condition that one of the bailors will be the close relatives 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.



(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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