

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41712 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- WARISNAGAR District- Samastipur

Parash Kumar Rai @ Parash Rai @ Parash Kumar, Son of Ramdarsh Rai,
Resident of village- Gohi Tara, P.S- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 At the outset, learned counsel for the petitioner submits that on account of inadvertence, the correct position could not be mentioned in para. 3 of the bail application, as besides the present case, the petitioner is found involved in two other criminal cases, the description of one is mentioned in the F.I.R. itself.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Jitendra Narain Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Warisnagar P.S. Case No. 218 of 2021 registered for the offence punishable under Section 30 (a) of the



Bihar Prohibition and Excise (Amendment) Act, 2018.

The police on a secret information that some persons are engaged in unloading of liquor at the house of co-accused Raj Kumar Ray, raided the place of occurrence and apprehended Raj Kumar Ray. On search 871.125 litres of Indian made foreign liquor was recovered. The police also seized one Pick-up Van and motorcycle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. The name of the petitioner has been disclosed by apprehended co-accused Raj Kumar Ray and save and except the disclosure made by co-accused Raj Kumar Ray, there is no other material showing the complicity of the petitioner in the present crime. He further submits that co-accused Raj Kumar Ray, on whose disclosure the name of the petitioner has come, has already been granted bail in Cr. Misc. No. 17584 of 2022 vide order dated 20.05.2022. He lastly submits that the petitioner is in custody since 17.06.2022, though the investigation of the crime is already complete and charge-sheet has been submitted.

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 considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered and save and except the disclosure made by Raj Kumar Ray, who has already been granted bail, there is no material against the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Samastipur in connection with Warisnagar P.S. Case No. 218 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 physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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