

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43837 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- VAISHALI District- Vaishali

Arjun Rai, Son of Aklu Ray, Resident of village - Karneji, P.S.- Vaishali
(Belsar O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Usha Kumari Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Vaishali P.S. Case No. 354 of 2021 registered
for the alleged offences under Sections 272, 273, 413, 414 of the
Indian Penal Code and Sections 30(a)/41 (i) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 872.91 liters of
India made foreign liquor was made from different vehicles and
also from the backyard of the house of the co-accused Mukesh
Kumar. The name of the petitioner surfaced during investigation
for being involved in trade of illicit liquor.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was neither apprehended from the spot nor anything incriminating has been recovered from his possession. The petitioner is neither the owner nor the driver of any of the vehicles or the place from where recovery has been made. The co-accused Manjay Kumar has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 08.04.2022 passed in Cr. Misc. No.16329 of 2022. The other co-accused persons have been granted bail by a Coordinate Bench of this Court vide orders dated 25.02.2022 and 28.02.2022 passed in Cr. Misc. Nos.70450 of 2021 and 71783 of 2021, respectively. The petitioner is in custody since 09.05.2022 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody, the petitioner above named is directed to 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 Exclusive Special Excise Court No.-
2-cum-Additional District and Sessions Judge, Vaishali at
Hajipur, in connection with Vaishali P.S. Case No. 354 of 2021,
subject to the conditions mentioned in Section 437(3) of the
Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of
the petitioner.

(ii) The petitioner will remain present on each and
every date fixed by the court below.

(iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bonds of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

