

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42078 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- WARISNAGAR District- Samastipur

PARASH KUMAR RAI @ PARASH KUMAR Son of Ramdarsh Rai
Resident of village - Gohitara, P.S.- Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 15-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Warisnagar P.S. Case No. 174/2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2022.

As per prosecution case, there is alleged recovery of
total 241.560 liters foreign liquor from maize field and there is
accusation against the petitioner who used to keep and sell the
illegal wine. The petitioner was not apprehended on the spot and
on secret information he had made accused in this case.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner has not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner or the house of the petitioner. Learned counsel for the petitioner further submits that the petitioner is languishing in custody since 01.06.2020 and bears criminal antecedent of one case of similar nature. The petitioner has neither concerned with the seized wine nor concerned with the said maize field. The petitioner has no connectivity with the liquor business and has not been in any way involved in this illegal liquor trade.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, petitioner was not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-02, Samastipur in connection with Warisnagar P.S. Case No. 174/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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