

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43328 of 2022**

Arising Out of PS. Case No.-209 Year-2021 Thana- AMAS District- Gaya

=====

BHOLA RAI Son of Basudeo Rai Resident of Village - Mahna (Motihari Road), P.s.-  
Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

|                          |   |                                                                                              |
|--------------------------|---|----------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Abhishek Kumar, Advocate<br>Mr. Sharad Kumar Verma, Advocate<br>Ms. Rashmi Jha, Advocate |
| For the Opposite Party/s | : | Ms. Pronoti Singh, APP                                                                       |

=====

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      09-09-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Amas P.S. Case No. 209 of 2021 registered for the alleged offences under Sections 30(a), 33 and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the recovery of 4000 liters of spirit was made from a truck being driven by co-accused Shatrughan Ray who disclosed the name of this petitioner along with other co-accused persons as a kingpin of the gang involved in the smuggling of illicit liquor on large scale.



Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The name of the petitioner transpired in the confessional statement of co-accused and the petitioner has no concern with the seized truck or the spirit recovered from it. Except for the confessional statement and criminal antecedent, there is nothing against this petitioner. Moreover, the police has been falsely implicating this petitioner in different cases and getting him remanded without any material. The co-accused Shatrughan Ray, who was apprehended from the spot, has been granted bail by this court vide order dated 24.06.2022 passed in Cr. Misc. No. 69997 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 24.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent and he is accused in four such similar type of cases.

Having regard to the submission made on behalf of the parties and further considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet against him along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond 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 Gaya in connection with Amas P.S. Case No. 209 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

