

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43343 of 2022

Arising Out of PS. Case No.-287 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

SANJAY RAI S/o Late Surya Rai R/o village- Kaithama, Ward No. 19, P.S.-
Begusarai Muffasil, Distt.- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shubhesh Pandey,Advocate Mr. Amit Kumar Mishra, Advocate Mr. Neeraj Kumar Painali, Advocate
For the Opposite Party/s :	Ms, Veena Rani Prasad, A.G

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 Begusarai Muffasil P.S. Case No. 287 of 2022 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received information about keeping of foreign liquor and selling of the same by the petitioner on his land. A raid was conducted and from near the



banana trees on the land of the petitioner, 35.375 liters of India made foreign liquor was recovered. The petitioner was apprehended from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery has been made from the conscious possession of this petitioner. It is apparent from the F.I.R. that recovery has been made from an open place which was accessible to all. All the witnesses on the seizure lists are police official and they are not from the local populace and they are members of raiding party. Charge sheet has been submitted in this case and the petitioner is in custody since 06.06.2022. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Additional Sessions Judge-I, Begusarai in



connection with Begusarai Muffasil P.S. Case No. 287 of 2022,
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 bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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