

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42125 of 2022**

Arising Out of PS. Case No.-277 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Vijay Rai Son of Shubhlal Rai Resident of Village - Adalpur, P.s.- Motipur,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 11-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code read with Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Recovery is of 30 liters illicit raw spirit.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that it appears from the FIR that the recovery
has been made from the house of the petitioner but the petitioner
has falsely been implicated in the present case only on the



ground that the co-accused namely Shubha Lal Rai is the father of the petitioner and it appears from the FIR and Seizure List that nothing has been recovered from the conscious possession of the petitioner and the petitioner was not apprehended on the spot. And the petitioner has no concern at all with the alleged recovery and the co-accused.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner has two criminal antecedents besides the present case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Motipur P.S. Case No. 277 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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