

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52610 of 2021

Arising Out of PS. Case No.-145 Year-2020 Thana- MAKER District- Saran

Sarbjeet Rai, S/O Nageena Ray, R/o village- Fulwariya, P.S.- Maker, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 01-04-2022 The applicant/accused in Crime No. 145 of 2020 registered with Maker Police Station for the offence punishable under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned APP appearing for the State.

The learned counsel for the applicant argues that co-accused who was arrested from the spot is granted bail by a coordinate Bench of this court vide order dated 25.06.2021 passed in Criminal Misc. No. 12148 of 2021. He further submits that the applicant was not found on the spot of the incident. It is further argued that the applicant is already



undergoing pretrial detention.

The learned Additional Public Prosecutor opposed the application by contending that the applicant is having criminal antecedents and the spot of the incident was back of the house of the applicant.

I have considered the submissions so advanced and also perused the material placed before me.

Bail can be granted only when the Court is assured that the applicant shall not repeat commission of similar offences in future. In the case in hand, the applicant is having offences of similar typed registered with the same police station against him.

It is the case of the prosecution that on the basis of secret information, house of the applicant was raided. His brother Ranjit Rai came to be arrested. On interrogation from him, it was found that 400 litres of spirit was kept concealed in the drum buried in the backyard of the house. The applicant had managed to escape from the spot.

So far as the co-accused is concerned, the order does not mention that he is having any criminal antecedents.

In this view of the matter, I see no reason to grant bail to the applicant, who is repeatedly committing similar



offences after getting bail. Accordingly, the application stands rejected.

The trial court is requested to expedite the trial and finish it within a period of one year.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Bhardwaj/-

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

