

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43998 of 2022**

Arising Out of PS. Case No.-297 Year-2022 Thana- AHİYAPUR District- Muzaffarpur

Naresh Rai Son of Hari Shankar Rai Resident of Village- Shivrahan
Chaturbhuj Tole, Marhalla, P.S. Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 12-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shanti Bhushan Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ahiyapur P.S. Case No. 297 of 2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 .

The allegation against the petitioner is to be engaged



in trafficking of illicit wine, the police conducted raid and from the land of one Mahesh Rai, total 90 liters of illicit wine was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the perusal of the seizure list, it is evident that the alleged recovery has been made from the land of one Mahesh Rai and the petitioner has neither any concerned with the place of recovery nor with the incriminating illicit wine. He further submitted that only because of his past criminal antecedent, his name has been implicated in this case, though the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He also submitted that the investigation of the crime is already complete and the charge-sheet has been submitted and he is in custody since 29.04.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered. Now the investigation of the crime is already complete and the charge-sheet has been submitted and



there is no likelihood of commencement of the trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 297 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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