

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43714 of 2022**

Arising Out of PS. Case No.-86 Year-2022 Thana- BACHHWARA District- Begusarai

Ram Preet Rai Son of Late Lakhan Rai R/O Village- Jahanpur, P.S.-
Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 30-08-2022 Learned counsel for the petitioner is permitted to
make necessary correction in prayer portion of the bail petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 86/2022 registered for the offences
punishable under Sections 30(a)(c)/36 of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery of
total 12 liters country made liquor from the hut of the petitioner.
Apprehended co-accused, Shanichar Sada disclosed the name of
petitioner and others who fled away from the place of
occurrence. There is accusation against the petitioner and others



who were involved in manufacturing and selling the liquor business.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to village politics. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner is languishing in custody since 27.05.2022 and bears no criminal antecedent.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-Ist, Begusarai in connection with Bachhwara P.S. Case No. 86/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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