

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46976 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- KATRA District- Muzaffarpur

Vijay Rai @ Vijay Kumar Rai, Son of Lal Rai, Resident of village - Chainpur,
P.S.- Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

In the present case, the petitioner seeks bail in
connection with Katra P.S. Case No. 56 of 2021 registered for
the alleged offences under Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act.

As per prosecution case, on a raid recovery of total
60.825 litres foreign liquor was recovered from the house of the
co-accused Govind Kumar and the petitioner is said to be the
owner of the vehicle which was used in transportation of liquor.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The petitioner has not got any concern either with the seized foreign liquor or with the thatched house from where the alleged recovery has been made or with the vehicle. Recovery has not been made from the conscious possession of this petitioner. The petitioner is in custody since 03.07.2022 and the charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and further considering his period of custody along with the submission of charge-sheet, 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 Special Judge, Excise, Muzaffarpur in connection with Katra P.S. Case No. 56 of 2021, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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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