

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45529 of 2022

Arising Out of PS. Case No.-462 Year-2021 Thana- RIVILGANJ District- Saran

Nandlal Rai S/O- Bharat Ray R/o- Ajayabganj, P.s.- Bhagwan Bazar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Anjani Parashar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Rivilganj P.S. Case No. 462 of 2021 for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Amendment Act.

The police on a secret information with regard to manufacturing illicit liquor, conducted a raid in Diyara near village Ajayabganj and apprehended one Vir Sah and on search 125 liters country made liquor was recovered.



Learned counsel for the petitioner submits that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. So far as the alleged recovery has been concerned, the same has been made from possession of co-accused persons with whom the petitioner has no concern. He next submits that there is no compliance of section 100(4) of the Code of Criminal Procedure apart from the defiance of section 81 and 82 of the Bihar Prohibition & Excise Act. He further submits that only because of the past two criminal antecedent of identical nature, his name has been implicated in this case without there being any material. He last submits that the investigation of the crime is already complete and the charge sheet has been submitted and petitioner is in custody since 16.06.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has named in two other case.

Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating



material has been recovered from his person or possession and moreover, the investigation of the crime is already complete and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Saran at Chapra in connection with Rivilganj P.S. Case No. 462 of 2021 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 step for cancelling 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.

(Harish Kumar, J)

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