

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46734 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- VAISHALI District- Vaishali

Sanjay Kumar @ Sanjay Rai, Son of Binod Rai @ Vinod Rai, R/v- Saine, P.S-
Vaishali (Belsar OP), Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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 Vaishali (Belsar O.P.) P.S. Case No. 85 of 2021
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of total 471.240
litres foreign liquor was recovered from the cartons which was
lying under the banayan tree near *Anganbari* centre.

The learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. Nothing incriminating has been recovered from his



conscious possession. The petitioner is made accused in this case on wrong information given at the instance of persons inimical to him. The allegation against this petitioner is only that he is doing illegal business of liquor along with other FIR named co-accused. The petitioner was not apprehended from the spot and he has no concern with the allegedly recovered illicit liquor. The petitioner is in custody since 05.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge sheet along with his period of custody, 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 Exclusive Special Excise Court-II-cum-Additional Sessions Judge, Vaishali, in connection with Vaishali (Belsar O.P.) P.S. Case No. 85 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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