

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47420 of 2022

Arising Out of PS. Case No.-364 Year-2021 Thana- PARSA District- Saran

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Dinesh Rai @ Dinesh Kumar Rai, Son Of Shiv Mangal Rai @ Mangal Rai,
R/O Village- Mussepur, Balua, P.S.- Doriganj, District- Saran, At Present R/O
Amarawati Colony, P.S.- Chutia, District- Ranchi (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

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

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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 Parsa P.S. Case No. 364 of 2021 registered for
the alleged offences under Sections 30(a), 36 and 41(1) of the
Bihar Prohibition and Excise Act, 2016.

Allegedly, the recovery of 2975.04 litres of India made
foreign liquor was made from a truck. The petitioner is said to have
fled away from the spot and is stated to be involved in the illicit trade
of liquor in big way.

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



case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern with the allegedly recovered illicit liquor. The truck from which the recovery has been shown does not belong to this petitioner. The petitioner is neither the driver nor the owner of the said truck. The petitioner is in custody since 13.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents of similar nature. The petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the recovery has not been shown from this petitioner and petitioner was not apprehended from the spot 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 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Parsa P.S. Case No. 364 of 2021 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the



following conditions :

(i) One of the bailors will be a close relative of the petitioner.

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

(iii) 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.

However, death certificate of the father of the petitioner will be produced at the time of furnishing of the bail bond.

(Arun Kumar Jha, J)

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