

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57836 of 2021**

Arising Out of PS. Case No.-296 Year-2021 Thana- SARAIYA District- Muzaffarpur

SUBODH RAI Son of Late Ravindra Ray Resident of Village- Khaira, P.S.-
Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sunil Kumar Pandey, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Saraiya P. S. Case No. 296 of 2021 registered for the offences punishable under Sections 272, 273, 414 read with 34 of the Indian Penal Code and Sections 30 (a), 38 and 41 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police, on a secret information, reached to the place of occurrence and during course of raid one Pick-Up Van was



found parked in front of the house of the petitioner and on search, total 857.52 litres illicit Indian made foreign liquor was recovered. It is further alleged that the petitioner was apprehended at the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has neither any concern with the alleged Pick-Up Van, from where the recovery has been made nor with the recovered illicit wine. It is further submitted that the petitioner is in custody since 26.04.2021, having fair antecedent and only on suspicion that the Pick-Up Van belongs to the petitioner, which was found parked in front of the house of the petitioner, his name has been implicated. It is also submitted that there is several other infirmities in preparation of seizure list in as much as the same is in violation of Section 100 Cr.P.C.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 26.04.2021, having fair antecedent and moreover, after completion of the investigation, the charge sheet has been submitted and there is no likelihood of commencement



of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special (Excise) Judge, Excise Muzaffarpur in connection with Saraiya P. S. Case No. 296 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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