

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60366 of 2021**

Arising Out of PS. Case No.-724 Year-2020 Thana- SONEPUR District- Saran

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ARUN KUMAR @ ARUN RAI Son of Ram Awadh Rai Resident of Village-  
Dudhaila Krishi Farm, P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      12-04-2022                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the  
offence under Sections 272, 273 and 120(b) of the Indian Penal  
Code and Section 30(a), 38 and 40(I) of the Bihar Prohibition and  
Excise Act.

Recovery is of 685.350 liters of foreign liquor.

Learned counsel for the petitioner submits that earlier  
the prayer for bail of the petitioner has been rejected by a co-  
ordinate Bench of this Court vide order dated 26.05.2021 passed  
in Cr. Misc. No. 3361 of 2021 with a direction to the court below  
to expedite the trial but there is no substantial progress in the  
trial even after passing of almost nine months, therefore, the  
petitioner has renewed his prayer for bail before this Court. He



further submits that neither the petitioner has been arrested from the spot nor anything incriminating has been recovered from the conscious possession of the petitioner rather the alleged recovery is said to have been made from the joint house property of the petitioner.

A report with regard to present stage of the trial has been called for by this Court vide order dated 24.11.2021 which has been received and forms part of this application at Flag-R. On perusal thereof, it reveals that the case is still pending for examination of prosecution witnesses.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future. Hence, the petitioner may be enlarged on bail as he has been languishing in judicial custody since 08.10.2020 i.e. almost one year and half years.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sonapur P.S. Case No. 724 of 2020 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 cancellation 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.

**(Rajesh Kumar Verma, J)**

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