

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62234 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- SINGHWARA District- Darbhanga

Nunu Rai Son Of Sri Mahabir Rai R/O Village- Anyaypur, P.S.- Katra,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Singhwara P.S.Case No. 183 of 2020 for the offences
punishable under Sections 30(a), of the Bihar Prohibition &
Excise Amendment Act 2016.

As per the prosecution case, it is alleged that on a
secret information that in village Bedauli, a truck loaded with
liquor and four other vehicles are standing there, the police
personnel reached at village Bedauli, on seeing the police party
15 -20 persons fled away from the place of occurrence. It is
further alleged that police identify this petitioner and other co-



accused persons. Thereafter, on search altogether 1894.320 liters of Indian made foreign liquor have been recovered from the vehicles seized at the place of occurrence.

It is submitted on behalf of the petitioner that petitioner was neither arrested on the spot nor anything has been recovered from possession of the petitioner. Apart from the fact that petitioner has no concerned with the seized vehicle and liquor. It is further submitted that other co-accused persons having similar allegation have been granted bail by co-ordinate Benches of this Court. The copies of which have been brought on record by way of Annexure-2 to this petition. It is lastly submitted that this petitioner is in custody since 17.08.2021. Though the investigation has already concluded and the charge sheet has been submitted.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that petitioner has six criminal antecedent as mentioned in Para-3 of the petition. In reply to the aforesaid submission, counsel for the petitioner drawn attention to this Court towards Para-18 and 19 how this petitioner has implicated in all these cases irrespective of there being no recovery from possession of this petitioner.

Having heard the rival contentions of the parties and



taking into consideration the fact that petitioner was neither apprehended on the spot nor anything has been recovered from possession of the petitioner. Further the petitioner has no concern with the seized vehicle and he is in custody since 17.08.2021 and further similarly situated, co-accused persons have already been granted bail by co-ordinate Benches of this Court, 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 Additional Sessions Judge cum Special Judge, Excise, Darbhanga in connection with Singhwara P.S. Case No. 183 of 2020, 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 be liable to be



cancelled.

(Harish Kumar, J)

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