

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61930 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- PARIHAR District- Sitamarhi

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SUNIL RAI @ SUNIL KUMAR Son of Jagdish Ray @ Jagdish Rai Resident
of Village- Mahadeopatti, P.S.- Parihar, District- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Parihar

P.S.Case No.47 of 2020, registered for the offence under

Section 30(a) (c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 324.660 liters

wine is recovered.

Learned counsel appearing for the petitioner submits

that the petitioner has clean antecedent. He has falsely been

implicated in the present case. He further submits that as per

seizure list, total 322.500 liters of Nepali Saufi Country made



liquor and 2.180 liters of foreign wine have been seized from different places. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused, namely, Binod Kumar @ Bonod Ray @ Vinod Rai has been granted privilege of anticipatory bail vide order dated 18.05.2021 in Cr.Misc.No.1943 of 2021 and another co-accused, namely, Md. Gulab has been granted bail vide order dated 10.02.2021 in Cr. Misc. No. 40093 of 2020 by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 07.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Parihar P.S.Case No.47 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 cancelled 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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