

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52688 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Vinesh Kumar Rai @ Vinesh Rai S/O Amiri Ray Resident of Bhalura Dih,
P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Excise Case No. 58 of 2021 arising out of P.R. No. 88 of 2021
lodged under Section 30(a) of the Bihar Prohibition and Excise
Act.

As per the prosecution case, total recovery of 74.280
liter of foreign liquor has been made from the *baramda* of the
petitioner, which is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits

that in the said *baramda* unknown people used to come and sit frequently. He further submits that petitioner is in custody since 29.06.2022 having three criminal cases pending against him, in which he is on bail. Charge-sheet has already been filed in this case. Learned counsel for the petitioner submits that due to mistake he stated that there is one criminal antecedent case pending against the petitioner but later on by way of supplementary affidavit he has submitted that there are total 3 criminal cases pending against the petitioner.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court-2, Muzaffarpur in connection with Excise Case No. 58 of 2021 arising out of P.R. No. 88 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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