

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54023 of 2022

Arising Out of PS. Case No.-427 Year-2021 Thana- SARAIYA District- Muzaffarpur

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Raja Rai S/O Vinod Rai Resident of village- Basantpur Patti, P.S.- Saraiya,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Mr. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-11-2022 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
Saraiya P.S. Case No. 427 of 2021 lodged under Sections 272,
273/34 of the I.P.C. read with Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

As per the prosecution case, the total recovery of
3826.440 litre foreign liquor has been made from a truck in the
present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
counsel submits that recovery has been made from a truck and

he is unaware related to the truck of which the said recovery has been made. Learned counsel further submits that there are in total 6 cases pending against the petitioner and in all the cases, he is on bail. Learned counsel further submits that petitioner is in custody since 27.01.2022. Learned counsel further submits that charge sheet has already been filed in this case and he submits that petitioner's name has figured in this case by virtue of confessional statement of co-accused.

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 No.II, Muzaffarpur in connection with Saraiya P.S. Case No. 427 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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