

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54955 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- RAGHOPUR District- Vaishali

BAM BAHADUR RAI Son of Late Saryug Rai Resident of Village - Divan
Tole, P.s.- Gangabridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Raghopur P.S. Case No. 71 of 2021 registered for the offences
punishable under Sections 272, 273 of the I.P.C. read with
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery
of 935 liter country made liquor from the place of occurrence. It
is alleged that petitioner and others fled away from the place
occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.04.2022. Petitioner bears one criminal antecedent of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is not apprehended on spot. Petitioner has no concern with the alleged recovered liquor.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court – II-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 71 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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