

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65444 of 2021

Arising Out of PS. Case No.-113 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Shiva Rai @ Shiva Kumar Rai, S/O Zamindra Ray, R/o village- Pakaha
(Bamo), P.S.- Baikunthpur, District- Gopalgaj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Baikunthpur P.S. Case No.113 of 2021 registered for the offence
punishable under Section 30(a)/41 of the Bihar Prohibition and
Excise Act, 2018.

On secret information regarding smuggling of
illicit liquor by Rajan Singh and others, the police have reached
near the house of Rajan Singh. 10-15 persons have fled away
and Rajan Singh has been apprehended. Thereafter, there is
alleged recovery of 435 litres illicit liquor from his wheat-field
and 400 litres from beneath the earth of his house. He has stated
that the persons who fled away, including the petitioner, had
come to take delivery of illicit liquor.



Petitioner's counsel submits that the petitioner has been dragged in this case in a similar way as he was made accused in three cases earlier. He is on bail in all three cases. In none of these cases, there are any recovery from the petitioner and his implication is based merely on the statement of co-accused. He is stated to be in custody since 02.08.2021. It is further submitted that the chargesheet has been submitted and the investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and the fact that the prosecution does not attribute any recovery from the petitioner and the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj, in connection with Baikunthpur P.S. Case No.113 of 2021, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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