

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65666 of 2021

Arising Out of PS. Case No.-367 Year-2021 Thana- BHAGWAN BAZAR District- Saran

MURAT RAI S/o Bhagelu Rai Resident of Village- Katra Bradari, P.S.-
Bhagwan Bazar, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70696 of 2021

Arising Out of PS. Case No.-367 Year-2021 Thana- BHAGWAN BAZAR District- Saran

RAJESH RAI Son of Late Suraj Rai Resident of Village - Katra Baradari,
P.S.- Bhagwan Bazar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65666 of 2021)

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 70696 of 2021)

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2022 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 petitioners and the learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary



correction in the main application, has been filed on behalf of the petitioners, which forms part of this application.

The petitioners seek bail in a case registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 300 liters of country made liquor.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case merely on the basis of suspicion. He further submits that the petitioners have not been apprehended from the spot. In fact, nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the open field. He further submits that they have no concern with the alleged liquor and the motorcycle in question found beside the illicit liquor. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 18.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, namely, Murat Rai, carries six more cases other than the



present one whereas the petitioner, Rajesh Rai carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhagwan Bazar P.S. Case No. 367 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. 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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