

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65916 of 2021

Arising Out of PS. Case No.-360 Year-2021 Thana- MADHAURAH District- Saran

Jagjivan Rai Son of Late Hardev Rai Resident of Village - Tehati, P.S.-
Marhowrah, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh 'Shastri', APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-05-2022 Heard Mr. Vishesh Kumar Singh, learned counsel for
the petitioner and Mr. Rajendra Singh 'Shastri' learned APP for
the State.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Marhowrah P.S. Case No.360 of 2021 registered under
Section 30/41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police on patrolling
duty got secret information that some accused persons have
hidden countrymade liquor in the house of accused Sanjit Rai.
The place was raided, search was made and in course of search
the police recovered 700 liters of countrymade liquor/spirit from
the spot. Seizure list was prepared and it was found that
amongst other, this petitioner is engaged in selling off the



countrymade liquor.

Learned counsel for the petitioner submits that the alleged seizure has not been made either from his conscious possession or in his house and only on the basis of the suspicion, the police has implicated him. He submits that the charge sheet has already been submitted and he is in jail since 01.09.2021 (as stated in para-7 of the bail application).

Considering the aforesaid fact, that the charge sheet has already been submitted, he is in jail since 01.09.2021 and further that the same has not been recovered from his conscious possession, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Marhowrah P.S. Case No.360 of 2021 to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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