

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55313 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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Vakil Rai @ Jai Prakash Rai S/o Late Hari Har Rai, R/o Mohalla- Town
Machhata Chowk, Bhawara, Ward No. 27, P.S.- Madhubani Town, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-11-2022 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
Town P.S. Case No. 76 of 2022, lodged under Sections
272/273/34 of Indian Penal Code read with Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the total recovery of 41.480
liter of Nepali country made wine and Nepali foreign liquor is
the subject matter relating to the present case.

Learned counsel for the petitioner submits that the
alleged recovery was not made from the possession of

petitioner. He further submits that co-accused Durga Thakur, from whose possession the recovery has been made has disclosed 2 names including the present petitioner. He also submits that there are 4 criminal cases pending against the petitioner, in which he is on bail but subsequently he was remanded in 2 more cases, in which he is persuading for bail. Learned counsel further submits that petitioner is in custody since 24.07.2022 and charge sheet has already been filed in this case. He also submits that one co-accused person namely Sonu Kumar, whose name has been disclosed by Durga Thakur was granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 02.09.2022 passed in Cr. Misc. No. 29679 of 2022.

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 A.D.J.-II-cum-Special Judge, Excise Act, Madhubani in connection with Town P.S. Case No. 76 of 2022, 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 an 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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