

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55497 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- AURAI District- Muzaffarpur

Birendra Kumar @ Birendra Rai Son Of Ganeshi Rai, Resident of Village-
Panapur area tola, P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radhe Shyam, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Aurai P.S. Case No. 108 of 2022 registered for
the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, the police intercepted a
Scorpio vehicle on receipt of secret information and from this
vehicle the petitioner along with co-accused Sanjay Kumar Sah
were apprehended. From the possession of the petitioner Rs.
1,00,000/- (one lac) apart from mobile phone was recovered. On
search of the vehicle, 52.5 liters of India made foreign liquor



was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The recovery of illicit liquor has been made from the dickey of the vehicle and the vehicle does not belong to this petitioner. The petitioner is in custody since 11.06.2022 and charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner is having one criminal antecedent.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Aurai P.S. Case No. 108 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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