

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55484 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- KOPA District- Saran

Devpoojan Rai, Son of Bhola Rai Resident of Village- Bareja, P.S.- Kopa,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, 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), 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 Kopa P.S. Case No. 42 of 2022 registered for
the alleged offences under Sections 30/30(A) of the Bihar
Prohibition Act and Excise Act, 2016.

As per prosecution case, police received secret
information about the petitioner and other co-accuse persons
manufacturing, storing and selling illicit liquor on large scale. A
raid was conducted. From the place of occurrence 90 litres of
country made liquor, cylinder and gas stove were recovered. The
petitioner and other co-accused persons fled from the spot.



The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and no recovery has been shown from him. Allegedly, recovery has been made from an open field. The petitioner is in custody since 05.08.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with the submission of charge-sheet and his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-2nd-cum-1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Kopa P.S. Case No. 42 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 on 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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