

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66122 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- JANDAHA District- Vaishali

SUDARSHAN RAI S/o Jai Prakash Ray R/o Village - Rampur Khairi, P.S. -
Desari (Sahdei O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-05-2022

Heard learned counsel for the parties.

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

The petitioner is in custody in connection with Jandaha P.S. Case No. 70 of 2021 registered under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018 and Section 414 of the Indian Penal Code.

The prosecution story, as unfold in the FIR, is that the Assistant Sub Inspector of Police is the informant, who in course of patrolling on the eve of 'Holi' and on confidential information that this petitioner is coming on a Sumo Vehicle in which liquor is loaded intercepted the vehicle. It is alleged that the driver parked the vehicle and fled away. The local people and the '*Chowkidar*' gave the name of the person escaped from the place of occurrence as Sudarshan Rai, the petitioner herein.



It was in this way that he came into the judicial net.

Learned counsel for the petitioner submits that neither the vehicle belongs to him nor he was arrested from the spot and the local '*Chowkidar*' due to rivalry gave his name only because he has criminal antecedent. She further submits that he is in jail since 17.08.2021 (as stated in paragraph -14 of the bail application).

Considering the aforesaid facts and that the petitioner was not arrested from the spot, the vehicle does not belongs to him, he is in jail since 17.08.2021 and charge sheet has already been submitted, this Court is inclined to grant him privilege of bail. However, since he has criminal antecedent, it is important that certain conditions are putting while releasing him on bail.

Let the petitioner 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 Sessions Judge -II cum Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 70 of 2021, subject to the following conditions :-

(i) 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 his cancellation of



bail by the Trial Court itself;

(ii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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