

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67460 of 2021**

Arising Out of PS. Case No.-493 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

RAKESH RAI S/o Krishn Nandan Rai R/o Village- Lohasi, P.S.- Belsand,
Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Runnisaidpur P.S. Case No. 493/ 2021 registered for the offences punishable under Sections 30(a), 36, 41(i) of Bihar Prohibition and Excise Act.

There is recovery of 875.280 litres of illicit liquor from the truck and motorcycle in question.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears



from the FIR that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the truck and motorcycle in question. He further submits that during investigation none of the independent witnesses have supported the case of the prosecution and the police after investigation submitted the charge sheet against the petitioner and other accused person and the petitioner is in custody since 09.09.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Sitamarhi in connection with Runnisaipur P.S. Case No. 493/ 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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