

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68620 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- BHAGWANPUR District- Vaishali

Sanoj Rai @ Sanoj Kumar Rai Son of Nand Kishor Rai Resident of Village -
Dilawarpur, P.S. - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 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 Bhagwanpur P.S. Case No. 122 of 2021 registered for the offences punishable under Sections 272, 273, 467, 468, 471 of the Indian Penal Code and Section 30(a), 36, 41(i) of Bihar Prohibition and Excise Act, 2018.

According to prosecution case, total 4210.56 liters India made foreign liquor was recovered from a Truck and Bolero pickup van.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the Truck and Bolero pickup. He further submits that petitioner is neither the driver nor the owner of the said vehicle in question and the name of the petitioner has been transpired only on the basis of information given by the spy. He further submits that after investigation police has submitted the charge sheet against the petitioner and other co-accused persons. The petitioner is in custody since 12.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for 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-Excise Court, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 122 of 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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