

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57473 of 2022

Arising Out of PS. Case No.-345 Year-2022 Thana- RIGA District- Sitamarhi

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Murari Rai @ Murari Kumar Yadav Son of Late Surendra Rai Resident of
Village- Chotahi, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Riga P.S. Case No. 345 of 2022 registered for
the alleged offences under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act.

As per prosecution case, police received secret
information about unloading of illicit liquor from a pick-up van
by five miscreants. A raid was conducted and from the said said
pick-up van, 308.94 litres of illicit India made foreign liquor
was recovered. During this process, police further received
information that the same persons keeping liquor in the office



of *Mukhiya*. Another raid was conducted on the office of the Ex-*Mukhiya* Manoj Rai and further recovery of 60 litres of India made foreign liquor was made from the office of the said co-accused person. The petitioner has been named by the villagers and the local chowkidar for his involvement in the sale and purchase of the seized illicit liquor.

The 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 his conscious possession. The petitioner is the brother of the co-accused Manoj Rai but he has no concern with the allegedly recovered liquor. The petitioner is in custody since 16.08.2022 and charge-sheet has been submitted.

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 fact that no recovery has been shown from the petitioner and further considering the period of custody of this petitioner along with the clean antecedent and the submission of charge-sheet, 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



Special Judge Exclusive Excise Court-I, Sitamarhi in connection with Riga P.S. Case No. 345 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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