

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59368 of 2022

Arising Out of PS. Case No.-185 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Bhadai Rai @ Rajesh Rai @ Bhadai Ray @ Rajesh Ray S/o Jeevan Ray R/V-
Mahpur, Bishunpur, P.S.- Bochachan, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Excise
P.S. No. 185 of 2018 P.R. No. 32/18, registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per allegation, 132.840 litres of illicit liquor has
been recovered from the straw house of the petitioner.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that nothing has been
recovered from the conscious possession of the petitioner.



The petitioner has been languishing in jail since 22.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved earlier before this Court for grant of anticipatory bail in Cr. Misc No. 970 of 2019.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in one Ahiyapur P.S. Case No. 328 of 2020.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge – Excise, Court No. II, Muzaffarpur in connection with Excise P.S. No. 185 of 2018 P.R. No. 32/18 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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