

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59521 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- SARAIYA District- Muzaffarpur

Arbind Rai @ Arbind Kumar S/o Late Kishori Ray R/v- Mohamadpur
Manorath, P.S.- vaishali, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sadhana Suman, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Saraiya
P.S. Case No. 17 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 7200 litres of IMFL/country made liquor from the
alleged vehicle.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner nor driver of the alleged vehicle from where the alleged illicit liquor was recovered and mere on ground of basis of secret information, the name of petitioner surfaced in present case, where during the course of investigation, no incriminating material recovered/surfaced to connect this petitioner, *prima facie*, with alleged set of recovery of illicit liquor. It is submitted that as petitioner involved in 7 criminal cases, where he is on bail in 3 cases, the name of petitioner also surfaced in present case, having otherwise, no bearing over the merit of present case. It is pointed out that the seizure list appears doubtful not supported by independent witnesses, rather by chaukidar. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Saraiya P.S. Case No. 17 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise- II, Muzaffarpur/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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