

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60509 of 2022

Arising Out of PS. Case No.-50 Year-2020 Thana- SARAIYA District- Muzaffarpur

Arbind Rai @ Arbind Kumar S.o Late Kishori Ray R/v- Mohamadpur
Manorath, P.S.- Vaishali, District- Vaishali at Hajipur. But in F.I.R. it has been
wrongly mentioned as village - Kailapatti, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), if any, 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 Saraiya P.S. Case No. 50 of 2020 registered for
the alleged offences under Sections 272, 273, 414 and 34 of the
Indian Penal Code Section 30(a) of Bihar Prohibition and
Excise Act.

As per prosecution case, police received a tip off
about a truck and a magic vehicle carrying huge quantity of
illicit liquor and when the said vehicles were intercepted
recovery of 1066.860 litres of India made foreign made liquor



was made. The seized liquor is said to be belonging to the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the said vehicles from which the recovery of allegedly seized liquor was made. The petitioner is in custody since 23.08.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (Excise)-II, Muzaffarpur in connection with Saraiya P.S. Case No. 50 of 2020, 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 for 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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