

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59695 of 2022

Arising Out of PS. Case No.-608 Year-2020 Thana- PAROO District- Muzaffarpur

Abhay Rai @ Abhay Kumar Son of Late Yogi Rai @ Jogi Rai Resident of
Village- Sarmastpur, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Paroo P.S. Case No. 608 of 2020 registered for
the alleged offences under Sections 272 and 273 and Section 30
(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information about the petitioner and other co-accused persons
keeping illicit liquor in the field of the petitioner. The police
party raided the spot but the miscreants fled away and local
people disclosed the name of the petitioner and other co-accused
persons as the miscreants. From search of the place of



occurrence, total 272.625 litres of India made foreign liquor and 400 litres of liquor of raw spirit were recovered.

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 has got no concern either with the allegedly recovered liquor or the field from where recovery has been made. The petitioner has been falsely implicated in this case due to village politics and dispute with local chowkidar. The petitioner is in custody since 06.09.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner has got two criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering his period of custody 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 Exclusive Special Excise Court No-II, Muzaffarpur in connection with Paroo P.S. Case No. 608 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 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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