

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.933 of 2022

Arising Out of PS. Case No.-356 Year-2021 Thana- EKMA District- Saran

Raju Rai, Son of Awadhesh Rai @ Awdhesh Ray, Resident of Village- Purbi Rauja, Police Station- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Srivastva, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ekma P.S. Case No.356 of 2021 registered for the offences punishable under Sections 30(a), 34, 56, 38 and 41(i) and (ii) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 07.09.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, in course of raid conducted by S.H.O. of Ekma police station, police has recovered 550 liters of country



made liquor from the Bolero car bearing Reg.No.BR31C-0615 which was also seized by the police.

Learned counsel for the petitioner submits that the petitioner has no concern with the vehicle in question, the petitioner is neither owner nor driver of the vehicle in question and he was sitting in the vehicle after taking lift. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 07.09.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has no concern with the vehicle in question, the petitioner is neither owner nor driver of the vehicle in question, he was sitting in the vehicle after taking lift and further submission that the petitioner has no criminal antecedent, he is in custody in connection with this case since 07.09.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Ekma P.S. Case



No.356 of 2021, subject to the conditions as laid down under
Section 437(3) Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioner and in case at any stage
it is found that the petitioner has concealed his criminal
antecedent, the court below shall take step for cancellation of
bail bond of the petitioner. However, the acceptance of bail
bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

