

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60336 of 2022

Arising Out of PS. Case No.-125 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Ashok Rai @ Ashok Kr. Rai, Son of Late Krishna Deo Rai, Resident of Village- Belsandi Tara P.S.- Bibhutipur, District- Samastipur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Shankar Pd. Singh, Advocate

For the Opposite Party/s: Mr.Md. Nazir Ansari, 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 Bibhutipur P.S. Case No. 125 of 2019 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, police received a tip off about unloading of a huge quantity of illicit India made foreign liquor from a truck at an identified place which was an old brick kiln. A raid was conducted and from a container truck recovery of 2066.040 litres of India made foreign liquor was made. Two



motorcycles were also seized from the spot. The petitioner is stated to be the owner of one of the motorcycles.

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 the conscious possession of the petitioner. The petitioner was in talk with the owner of the motorcycle in question but the petitioner could not arrange the money required for the purchase of the same and hence did not purchase the motorcycle in question. The petitioner has been named in this case on the basis of his confessional statement. The petitioner is in custody since 09.09.2022 and charge-sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further 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 Excise Court, Samastipur in connec-



tion with Bibhutipur P.S. Case No. 125 of 2019, 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)

himanshu/-

U		T	
---	--	---	--

