

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1023 of 2022**

Arising Out of PS. Case No.-496 Year-2021 Thana- MADHAURAH District- Saran

Sanjit Rai Son Of Ramjivan Rai R/O Village- Tehati, P.S.- Marhowrah, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh, Advocate

For the Opposite Party/s : Mr. Veena Rani Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 20-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Marhowrah P.S.Case No. 496 of 2021 for the offences punishable under Sections 467, 468, 471, 420, 120B of the Indian Penal Code and Sections 30/30(a) of the Bihar Prohibition& Excise (Amendment) Act 2018.

As per the prosecution case, it is alleged that the police on a secret informant intercepted a truck and on search being made altogether 875 liters of illicit liquor was recovered. It is further alleged that on inquiry, the villagers,



disclosed the name of the petitioner and other co-accused persons as traders of illicit wine.

It is submitted by the learned counsel for the petitioner that the petitioner was neither apprehended on the spot nor the truck in question, from where recovery has been made, belongs to this petitioner. It is further submitted that petitioner was remanded in the present case from Marhowrah P.S. Case No. 360 of 2021 and he is in custody since 06.09.2021 and even during the course of investigation, no incriminating material has come which suggest the complicity of this petitioner. It is lastly submitted that though the name of the petitioner has implicated in three other similar cases but in all the cases the petitioner is on bail.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that the name of petitioner has transpired as trader of illicit wine and he has been found involved in other three cases.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither apprehended at the spot nor any recovery has been



made from the person or possession of this petitioner and further this petitioner has been remanded in this case on 06.09.2021, apart from the fact, that investigation has already completed and charge sheet has been submitted, let the petitioner, above named, 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 2nd Additional Sessions Judge cum Special Judge, Excise , Saran in connection with Marhowrah P.S.Case No. 496 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 to cancel 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.

(Harish Kumar, J.)

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