

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2359 of 2023

Arising Out of PS. Case No.-52 Year-2016 Thana- GORAUL District- Vaishali

Birendra Rai Son Of Kira Ray R/O Village- Bangari, P.S.- Kanti (PANAPUR
O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Goraul
P.S. Case No. 52 of 2016, registered for the offences
punishable under Sections 272 and 273 of the Indian Penal
Code and Section 47(a) of Bihar Prohibition and Excise Act,
2016.

As per allegation, total 1200 litres of spirit was
recovered from a Tata 407 bearing Registration No.
BR06G1718.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that the petitioner is neither the driver nor the owner of the vehicle and thus he was not aware of the content of the materials loaded in the vehicle. He also submits that nothing has been recovered from the conscious possession of the petitioner.

He further submits that the petitioner has been languishing in jail since 22.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive



Special Excise-Court No. 1 cum Additional District & Sessions Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 52 of 2016, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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