

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3871 of 2023**

Arising Out of PS. Case No.-561 Year-2018 Thana- SARAIYA District- Muzaffarpur

RAJA RAI Son of Vinod Rai Resident of village - Basantpur Patti, Malang
Chowk, P.S.- Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
05.12.2022 in connection with Saraiya P.S. Case No. 561 of
2018, F.I.R. dated 23.11.2018 registered for the offence
punishable under Sections 272,273 of IPC and Sections
30(a),38,41 of Bihar Prohibition and Excise Act.

Recovery is of 2877.84 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case
on the basis of the disclosure made by co-accused, namely, Anil
Rai. Further submits that it appears from the FIR as well as the
seizure list that nothing has been recovered from conscious
possession or the house of the petitioner rather the recovery has



been made from the godown of co-accused, namely, Jitendra Sah and except the disclosure made by co-accused person before the police, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.12.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one but fairly submits that out of seven cases, the petitioner is on bail in five cases and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2, Muzaffarpur in connection with Saraiya P.S. Case No. 561 of 2018, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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