

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3883 of 2023

Arising Out of PS. Case No.-2 Year-2020 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.Atul Chandra, 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
24.11.2022 in connection with Saraiya P.S. Case No. 02 of
2020, F.I.R. dated 01.01.2020 registered for the offence
punishable under Sections 272,273/34 of IPC and Section 30(a)
of Bihar Prohibition and Excise Act.

Recovery is of 336.6 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case
mainly on the basis of the disclosure made by co-accused
persons, namely, Gopi Rai and Md. Manjoor Alam. Further
submits that nothing has been recovered from conscious
possession of the petitioner rather the recovery has been made
from the house of co-accused, Md. Hasbul and only disclosure



made by the co-accused persons, the petitioner has falsely been implicated in the present case and except the disclosure of the co-accused persons, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the co-accused persons, Md. Manjoor Alam and Gopi Rai, who were apprehended on the spot, have been granted bail vide order dated 02.03.2020 passed in Cr. Misc. No. 14591 of 2020 and vide order dated 28.02.2020 passed in Cr. Misc. No. 12324 of 2020 respectively as mentioned in para-13 of the bail petition and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.11.2022.

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. 02 of 2020, 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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