

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18009 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- DARIYAPUR District- Saran

Niraj Kumar Son Of Rajeshwar Rai @ Rajeshwar Ray Resident Of Village-
Khaspur, Ps- Maner, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
08.01.2023 in connection with Dariyapur P.S. Case No. 07 of
2023, F.I.R. dated 07.01.2023 for the offences punishable under
Sections 30(a) and 41(1)(2) of the Bihar Prohibition and Excise
Act, 2016.

Recovery is of total 362.88 liters of foreign liquor
from the Inova Tyota Car.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession or the house of the



petitioner, rather the recovery has been made from the Inova Toyota Car and petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner was the driver of the vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from the conscious possession or the house 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 the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act-I, Saran (Chhapra) in connection with Dariyapur P.S. Case No. 07 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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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