

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37084 of 2023

Arising Out of PS. Case No.-431 Year-2018 Thana- BRAHMPUR District- Buxar

ROHIT RAI son of Kameshwar Ray Village- Jawahi Jagadishpur Ps-
Brahmpur Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Choubey

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Brahmpur P.S. Case No. 431 of 2018 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act ,2018.

As per prosecution case, there is alleged recovery
of 792 litre foreign liquor from the scorio in question and
apprehended co-accused Rakesh Singh disclosed the name of
petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.04.2023 and bears criminal
antecedent of two cases which are similar to the present case
and in both the cases petitioner is on bail. He further submits



that petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner is quiet innocent and has falsely been implicated in the case. He further submits that co-accused Rakesh Singh has already been granted bail vide Cr. Misc. No. 70072 of 2018 by a co-ordinate Bench of this Court and the case of present petitioner stands on better footing as the present petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by a co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge II, Excise Buxar in connection with Brahmpur P.S. Case No. 431 of 2018 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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