

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37175 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- DARIYAPUR District- Saran

RAHUL RAI @ RAHUL KUMAR S/O UMESH RAI R/O Village- Raipatti,
P.S.-Dighwara, Dist.-Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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 in virtual court proceeding.

The petitioner seeks bail in connection with
Dariyapur P.S. Case No. 117 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery of
80 litre country made liquor from the motorcycle in question.
Petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 08.03.2023 and bears criminal
antecedent of one case of similar nature. He further submits
that nothing has been recovered from conscious possession of
the petitioner. There is no compliance of Section 100 of the



Cr.P.C. Petitioner has no concern with the seized articles. Petitioner is innocent and has committed no offence as alleged in the F.I.R.

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

Considering the facts and circumstances of the case, period of custody, 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 Additional District and Sessions Judge II cum 1st Exclusive Special Judge Excise, Saran, Chapra in connection with Dariyapur P.S Case No. 117 of 2023, 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)

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