

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38108 of 2023

Arising Out of PS. Case No.-130 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

SANJAY RAI S/O NAGENDRA RAI @ NAGESHWAR RAI R/O Vill.
Bikrampur Bandey, PS. Muffasil, Dist. Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 28-06-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Samastipur Mufassil P.S. Case
No. 130 of 2021 dated 16.03.2021 registered for the offences
punishable under Sections 30(a), 32(2) and 41(2) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, total 4697.520 litres of
foreign liquor was recovered from the truck.

Learned counsel for the petitioner has submitted that
the petitioner has falsely been implicated in this case. Nothing



has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of the said truck. The petitioner is accused in five other criminal cases as stated at para 3 of the bail petition. The petitioner is in custody since 14.03.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Samastipur in connection with Samastipur Mufassil P.S. Case No. 130 of 2021, with the condition :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner will liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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