

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44354 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- VAISHALI District- Vaishali

NIRAJ RAI SON OF RAMBAHADUR RAI R/O VILLAGE- SORHATTA,
P.S.- VAISHALI, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Vaishali P.S. Case No.354 of 2021 registered for the offences
punishable under Sections 272, 273, 413, 414 of the Indian
Penal Code and Section 30(a), 41(1) of Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 492.39 illicit liquor from three different vehicles in question
i.e. truck, Alto car and Bajaj Discover motorcycle. It is further
alleged that apprehended co-accused Shashi Kumar disclosed
the name of petitioner and others who fled away from the place



of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 27.04.2022 and bears criminal antecedent of six cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner is not apprehended on spot. Except disclosure of co-accused Shashi Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that co-accused Sunil kumar and Dhiraj Rai have already been granted bail vide Cr. Misc. No 11798 of 2022 and Cr. Misc. No 25353 of 2022 respectively by this Court and the case of present petitioner stands on similar footing.

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, petitioner is not apprehended on spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 Prohibition and Excise Court-2 (second) Vaishali at Hajipur in connection with Vaishali P.S. Case No.354 of 2021, 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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