

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49120 of 2023

Arising Out of PS. Case No.-158 Year-2021 Thana- GANGABRIDGE District- Vaishali

Vinod Rai Son Of Sitab Ray@ Mauji Ray Resident Of Village- Litiyahi, Ps-
Rustampur (Raghopur O.P), Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 01.07.2023, in connection with Gangabridge P.S. Case No. 158 of 2021, F.I.R. dated 23.07.2021 registered for the offences punishable under Sections 467, 468, 471, 420, 120B of the Indian Penal Code and Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 3060.720 litres of Indian made foreign liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case merely on the basis of disclosure made by co-accused person namely Shambhu Paswan. 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 of the



petitioner rather recovery has been made from the Truck and Pick-up van in question and the petitioner is neither the owner nor the driver of the vehicles in question. He further submits that except the disclosure made by co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the said co-accused person namely Shambhu Paswan has been granted bail by this Court vide order dated 03.03.2022 passed in Cr. Misc. No. 61722 of 2021, another co-accused person namely Ajay Kumar has been granted bail by this Court vide order dated 07.04.2022 passed in Cr. Misc. No. 57223 of 2021 and another co-accused Jitendra Rai has been granted bail by this Court vide order dated 24.01.2022 passed in Cr. Misc. No. 55360 of 2021 respectively. The petitioner is in custody since 01.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one but fairly submits that the petitioner is on bail in all the cases.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail 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 Excise Court No. 2-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Gangabridge P.S. Case No. 158 of 2021, 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 witness, 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 antecedents, 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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