

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51145 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Sharvan Rai @ Sarwan Rai @ Sharvan Kumar Son Of Butan Ray Resident Of
Village- Patharghat, New Hardaspur Tola, P.S- Patori (MOHANPUR O.P.),
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
29.05.2023 in connection with Patori P.S. Case No. 294 of
2022, F.I.R. dated 15.07.2022 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Recovery is of 80 liters of country made liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that it appears from the FIR as
well as the seizure list that nothing has been recovered from
conscious possession of the petitioner rather the recovery has



been made from the motorcycle in question and which was recovered in the bank of Ganga river at Rasalpur Ghat and the name of the petitioner has been transpired on the basis of the disclosure made by the local Chaukidar and the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question and the petitioner is in custody since 29.05.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five more cases other than the present one but fairly submits that out of five cases, the petitioner is on bail in two cases and rest three cases are pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, nothing has been recovered from possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act)-II, Samastipur in connection with Patori P.S. Case No. 294 of 2022, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedent, 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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