

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52313 of 2023

Arising Out of PS. Case No.-120 Year-2021 Thana- SIMRI District- Buxar

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ARVIND RAI @ ARBIND RAI SON OF SITA RAM RAI R/O VILL. AND
P.O.-EKOUPANA, P.S.-SIMARI, DISTT.-BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023

Heard the parties.

The petitioner is in custody in connection with Simari P.S. Case No. 120 of 2021 for the offence under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 16.04.2021 by the informant, Bhagya Narayan Baitha.

As per the prosecution story, the Police on secret information, reached near village Ekauna or the place of occurrence and apprehended one Ram Jee Roy who disclosed the other persons escaped including the petitioner. 475.200 liters of English wine was recovered from 'baswari' of the accused persons. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he has not been apprehended from the spot and due to enmity, his name



cropped up, is a labour working in Delhi and is in custody since 27.06.2023 (as stated in paragraph 12 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also the period of custody i.e. 27.06.2023, FIR lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 02, Buxar in connection with Simari P.S. Case No. 120 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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