

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51975 of 2023

Arising Out of PS. Case No.-89 Year-2019 Thana- NADI P.S. District- Patna

HARENDRA RAI S/O JANAK RAI R/O VILLAGE- GOSAIN TOLA, PS.
DANAPUR, DIST. PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Nadi P.S. Case No.89 of 2019 instituted under Section 30(a), 38(a) of the Bihar Prohibition & Excise Act lodged on 04.04.2019 by the informant Sakendra Kumar.

As per the prosecution story, the police intercepted a motorcycle and two tractors and recovered/seized 2205.36 liters of foreign liquor.

The petitioner is owner of one of the tractor from which 1174.32 liters of foreign liquor was recovered/seized.

It is the case of the petitioner that he had sold the tractor in 2015 itself and a declaration letter of Mantu Rai, the new purchaser dated 20.04.2015 was with him which has been annexed as Annexure-2 to the petition.

Learned APP opposes the prayer for bail stating that



he is one of the tractor owner.

Considering the submissions put forward by the learned counsel for the petitioner that he had sold the tractor in 2015 itself, he do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Nadi P.S. Case No.89 of 2019 to the satisfaction of learned Exclusive Special Court of Excise, Patna City, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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