

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54305 of 2023

Arising Out of PS. Case No.-272 Year-2023 Thana- SAHPUR District- Bhojpur

RAHUL RAI, SON OF RAMENDRA RAI RESIDENT OF VILLAGE
-SARANGPUR, PS- SAHPUR (BAHRAMPUR OP), DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Shahpur (Bahrampur O.P.) P.S. Case No. 272 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment Act, 2018 and Section 25(1-b)a, 26,35 of the Arms Act, lodged on 18.10.2021 by the informant, Rakesh Kumar.

3. As per the prosecution story, those on two motorcycles were intercepted. Petitioner was apprehended and 43.2 litres of wine recovered from the pulsar motorcycle. From the other motorcycle, 18 litres of foreign liquor and 9 litres of whiskeys totalling 70.2 litres of illicit liquor were recovered. Petitioner gave the name of person, riding the second motorcycle who escaped as Nitesh Yadav. From the petitioner country-made revolver and live cartridge too was recovered.



4. The case of the petitioner is that the alleged recovery is made from the motorcycle in which he was riding and 43.2 litres of wine does not belong to him. He further submits that country-made revolver and cartridges are concerned, the same has been planted and implicated by the police. Learned counsel counsel lastly submitted that he is in custody since 18.06.2023 (para 12 of the bail petition).

5. Learned APP opposes the prayer for bail stating therein that there is recovery of country-made liquor as also the revolver besides the wine.

6. Considering the submission put forward by learned counsel for the petitioner, he is in custody since 18.06.2023 and the petitioner have clean antecedent and will be facing the trial, this Court is inclined to grant him privilege of bail.

7. 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 to the satisfaction of learned Exclusive Special Judge, Excise-II, Bhojpur at Ara, in connection with Shahpur (Bahrampur O.P.) P.S. Case No. 272 of 2023 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 month for next one year 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)

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