

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61411 of 2023

Arising Out of PS. Case No.-1268 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Vinay Rai @ Vinay Kumar @ Vinay Kumar Yadav S/O Rajendra Rai
Resident Of Village- Kushi, P.S- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Ms.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-10-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Excise PS Case No. 1268 of 2023, registered for the offences punishable under Sections 30(a)/32(3) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, 45 litres of foreign liquor has been recovered from one Scorpio vehicle which was standing in the premises of the house of petitioner.

4. Learned counsel for the petitioners submits that petitioner has got clean antecedent and he has been falsely implicated in this case merely on suspicion. He further submits that from bare perusal of seizure list, it appears that nothing has



been recovered from conscious possession of the petitioner or from his house. Recovery has been made from the Scorpio vehicle which was standing in front of the house of petitioner. Petitioner is neither owner nor driver of the vehicle in question. Petitioner has got no concern with the seized liquor. Except suspicion, there is no material which suggest the complicity of this petitioner in the alleged occurrence.

5. Learned APP for the State, on the other hand, vehemently opposes the prayer for bail.

6. Considering the fact that nothing has been recovered from conscious possession of this petitioner and petitioner claims clean antecedent, let the petitioner above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Exclusive Special Judge, Excise Court-II, Muzaffarpur in connection with Excise P.S. Case No. 1268 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further 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 absence on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witness, in that case, 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 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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