

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59854 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

RAJESH RAI S/O SAKALADEV RAY R/O VILLAGE- MANGAIDIH, P.S-
CHAPRA MUFFASIL, DISTT.- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Chhapra Muffasil P.S. Case No. 47 of 2022 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise Act. lodged on 17.01.2022 by the informant Ram Chandra Tiwari.

As per the prosecution story, upon secret information, police reached the place and from the straw house of Pankaj Rai, 100 liters of country made liquor was recovered/seized. Further another house of Tuntun Rai was raided and 74 liters country made liquor was recovered. Accordingly, the FIR.

The allegation is that this petitioner used to sell liquor with the help of Tuntun Rai.



Learned counsel for the petitioner submits that the raid has been made on the straw house of Pankaj Rai and Tuntun Rai, nothing to do with this petitioner and only to implicate him, he has been dragged in this case. He further submits that irrespective of the outcome of the present case, he is ready to pay Rs. 5,000/- to the Chief Minister's Relief Funds.

Learned APP opposes the prayer for bail stating that he used to sell liquor along with Tuntun Rai.

Taking into account the fact that the straw house belongs to Pankaj Rai and Tuntun Rai, the recovery is from the said houses and the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of bail subject to payment of Rs. 5,000/- as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 2nd cum 1st Exclusive Special Judge, Excise Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 47 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(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;

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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