

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57949 of 2022

Arising Out of PS. Case No.-26 Year-2018 Thana- BUXAR District- Buxar

Prabhunath Rai @ Tunnu Rai Son Of Mukut Rai R/O Village- Firojpur, P.S.-
Bhawarcool, District- Gazipur, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a) and 41(i) of the Bihar
Prohibition and Excise Act.

Recovery is of 72 litres of illicit liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and falsely been implicated in the present
case. He further submits that the recovery has been made from
vehicle in question and not from petitioner's possession. He
further submits that the name of the petitioner has transpired on
the basis that petitioner is owner of vehicle in question. He
further submits that petitioner has not apprehended at the spot.
He further submits that the petitioner has no concern at all with



the alleged recovery of the illicit liquor. He further submits that the petitioner is in custody since 25.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the basis that petitioner has one criminal antecedent other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has transpired on the basis that petitioner is owner of vehicle in question and the petitioner has not apprehended at the spot, let the petitioner, above named, 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 Court below where the case is pending in connection with Buxar P.S. Case No. 26 of 2018 with the following conditions

(1) 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 cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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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