

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59155 of 2022

Arising Out of PS. Case No.-229 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Arjun Raut Son of Matilal Raut @ Motilal Musahar Resident of village-
Audalpatti, Musahar Tola, P.S- Marhaura (Gaura OP), District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ankur Prakash Sinha, Advocate.
	:	Mr. Ujjawal Bhushan, Advocate.
For the Opposite Party/s	:	Mr. Amit Kumar Rakesh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ujjawal Bhushan, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Saran Excise P.S. Case No. 229 of 2022,
registered for the offences punishable under Sections 30(a), 32
(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is based on a written report filed
by the informant alleging therein that on 22.06.2022, in course
of vehicle checking, they intercepted the motorcycle which was
being driven by this petitioner and on search total 25 liters of



country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the person or possession of the petitioner, however, as the petitioner was apprehended moving near the motorcycle, which does not belong to the petitioner, the recovery has been shown from his possession. He further submits that the motorcycle does not belong to the petitioner and moreover, the petitioner having fair antecedent, is in custody since 23.06.2022 and the investigation of the crime is already complete. He next submits that there is complete defiance of Section 100 of Cr.P.C. as well as Section 81 and 82 of the Bihar Prohibition and Excise Act, 2016.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was caught red-handed while he was going on a motorcycle with the illicit country made wine.

Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner and the fact that the investigation of the crime is already complete and the charge-sheet has been submitted, apart from the fact that the motorcycle does not belong to the petitioner, let the petitioner, named above, be released on bail on



furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -II-cum-1st Exclusive Special Excise Court, Saran (Chapra) in connection with Saran Excise P.S. Case No. 229 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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