

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59245 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- PATAHI District- East Champaran

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Umesh Rai Son of Baldeo Rai Resident of Village- Chorma, P.S.-
Pakaridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shail Kumari, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, 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 Ms. Shail Kumari, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Patahi P.S. Case No. 170 of 2022, registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018 .

As per the prosecution case, it is alleged that the
police in course of patrolling received information that some
persons have caught a person with a vehicle and they were
assaulting him. On the aforesaid information, the police reached
at the place of occurrence, where the people disclosed that wine



has been kept in the said pickup van and they have caught the petitioner, however, two persons including the driver fled away. On search total 328.900 liters of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the vehicle nor he is related to the driver of the said pickup van. She further submits that in fact on account of some altercation the local people assaulted the petitioner, and they have handed over the petitioner to the police by making a false allegation of recovery of wine. She next submits that the petitioner has absolutely fair antecedent, is in custody since 13.08.2022, though the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was caught by the local people, and they have disclosed that he was also seated in the pickup van from where recovery has been made.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner having fair antecedent, is in custody since 13.08.2022 and moreover the investigation of the crime is already complete and there is no



likelihood of commencement of the trial in near future, 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 Special Judge, Excise Court No.2, East Champaran, Motihari, in connection with Patahi P.S. Case No. 170 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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