

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62220 of 2022

Arising Out of PS. Case No.-451 Year-2019 Thana- SARAIYA District- Muzaffarpur

ARBIND RAI @ ARBIND KUMAR Son of Late Kishori Ray R/V-
Mohamadpur Manorath, P.S- Vaishali, Dist- Vaishali at Hajipur. But in F.I.R.
it has been wrongly mentioned as village Kailapatti, P.S- Saraiya, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Saraiya P.S. Case No. 451 of 2019 registered for the offences
punishable under Sections 272, 273, 414, 34 of the Indian Penal
Code and under Section 30(a), 32(ii), 38(ii), 41(i) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 6600 liter illicit spirit from the truck in question. Spy
disclosed the name of present petitioner who brought the liquor
in the said truck.



Learned counsel for the petitioner submits that petitioner is in custody since 23.08.2022. Petitioner bears seven criminal antecedents out of which six cases are of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case. Petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise – II, Muzaffarpur in connection with Saraiya P.S.

Case No. 451 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the



court below is at liberty to cancel the bail bond of the
petitioner.

(Alok Kumar Pandey, J)

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