

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68080 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- CHIRAIYA District- East Champaran

Rajesh Rai @ Rajesh Kumar Son Of Ram Ayodhya Ray R/o vill - Motnaje,
P.S. - Chiraiya, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.II, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Chiraiya P.S. Case No. 250 of 2023 lodged under Sections 272, 273 & 414 of the I.P.C. read with Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the F.I.R. has been lodged against 2 named accused persons including the petitioner. The allegation in the F.I.R. has been made about recovery of 90 liter of Nepali wine.

4. Learned counsel for the petitioner submits that from the content of F.I.R. and seizure list, it has been crystal clear that the recovery has not been made from the possession of the petitioner, but his name has come in this case by virtue of

confessional statement of the co-accused.

5. Counsel submits that the bail for co-accused has been allowed by the Co-ordinate Bench of this Court vide order dated 17.10.2023 passed in Cr. Misc. No. 67493 of 2023.

6. Counsel further submits that petitioner is in custody since 27.07.2023 and there are 10 criminal cases pending against him and he is on bail in 5 cases and in rest cases, he is persuading for bail.

7. Learned counsel for the State opposes the prayer for bail and submits that petitioner's antecedent is not clean and there are 10 criminal cases pending against him. He submits that at the time of consideration of bail, his criminal antecedent may be taken into consideration.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 250 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J.)

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