

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69660 of 2023

Arising Out of PS. Case No.-1630 Year-2023 Thana- Excise P.S. District- East Champaran

Rajesh Kumar @ Rajesh Rai, Son Of Ram Ayodhya Rai @ Ram Ayodhya
Ray, Resident Of Village - Motnaje, P.S. - Chiraiya, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise P.S. Case No.1630/2023 lodged on 23.07.2023 under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. As per the prosecution case, total recovery of
70.500 litres of Nepali country made liquor is the subject matter
of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner has been made accused in this case by the police only
with ulterior motive. The police has named the petitioner in the
present case only due to the reason that ten more criminal cases



are pending against him. Out of ten cases, in seven cases, he has been granted bail and in rest cases, he is persuading for bail. The petitioner is in custody since 18.07.2023.

4. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the petitioner is accused in ten more criminal cases.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on 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.2, East Champaran, Motihari, in connection with Excise P.S. Case No.1630 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure 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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