

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71041 of 2023

Arising Out of PS. Case No.-229 Year-2020 Thana- MADHAURAH District- Saran

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ARUN RAI, son of Kameshwar Rai Village- Asaiya Asoiya Ps- Marhowrah
Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Marhowrah P.S. Case No. 229/2020 lodged on 27.03.2020 under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act.

3. As per the prosecution case, total recovery of 1100
litres of illicit raw spirit 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. From the
FIR itself it appears that the said recovery has not been made
from the conscious possession of the petitioner, rather it has
been made from an orchard which belongs to one Ranjeet Ram.
The petitioner is in custody since 05.07.2023 and is accused in



three more criminal cases, in which he is on bail. The chargesheet has already been submitted.

5. 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 three more criminal cases of similar nature.

6. 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 Judge-II, Saran at Chapra, in connection with Marhowrah P.S. Case No. 229/2020, 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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