

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70618 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- Excise P.S. District- Siwan

Sanjay Kumar Rai, Son of Yogendra Rai, Resident of Village -PUCHHARI,
Kanhauli Manohar P.S- Baniapur, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Raghunathpur Excise P.S. Case No. 14/2023, lodged on
03.09.2023 under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per the prosecution case, the FIR has been
lodged against three persons, one person is the driver of the
Scorpio vehicle (petitioner) another is driver of Tigor vehicle
and 3rd is the owner of the said vehicle. The total recovery of
820.800 litres of illicit 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. In the



present FIR, allegedly two vehicles have been seized, one is Scorpio and other is Tigor. From the Scorpio vehicle, total 777.600 litres illicit liquor has been recovered whereas from the Tigor vehicle, total 43.200 litres of illicit liquor has been recovered. The petitioner is alleged to be the driver of the Scorpio vehicle and he is completely unaware about keeping of the alleged liquor in the said vehicle. The antecedent of the petitioner is clean and he is in custody 04.09.2023.

5. Learned counsel for the petitioner further submits that the innocence of the petitioner is very much clear as in the FIR the place of occurrence has not been specified that from which place the recovery has been made which shows that the petitioner is innocent.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the argument of the petitioner may not be accepted that the place of occurrence has not been given as in the seizure list specific place of occurrence with surroundings have been mentioned. Counsel further submits that it is true that the antecedent of the petitioner is clean, but is also true that he was driver of the Scorpio vehicle from which the recovery has been made.

7. In the present facts and circumstances of this case



and the submissions made above, particularly in view of the fact that the petitioner is having clean antecedent, 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 Judge Excise Court No.II, Siwan, in connection with Raghunathpur Excise P.S. Case No. 14/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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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