

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75122 of 2023

Arising Out of PS. Case No.-179 Year-2021 Thana- AMNAUR District- Saran

Manoj Rai, Son of Rajendra Rai @ Rajendra Prasad Ray Resident of village -
Vishunpur Piprahi, P.S.- Amnour, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Amnour P.S. Case No. 179 of 2021, lodged on 18.07.2021 under
Sections 272, 273/34 of the Indian Penal Code read with section
30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 79.800 litres of
country made liquor has been recovered which is the subject
matter of the present case.

4. Learned counsel for the petitioner submits that
from the FIR and seizure list, it transpires that the said recovery
has been made from the possession of Kameshwar Rai at a
public place i.e. near canal. Counsel also submits that the
arrested accused Kameshwar Rai has disclosed the name of the



present petitioner and on the basis of his confessional statement, the petitioner's name has been figured in this case.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 20.08.2023. Counsel further submits that the said Kameshwar Rai has been granted bail by the co-ordinate bench of this Court vide order dated 22.04.2022 passed in Cr. Misc. No. 52183 of 2021. Counsel also submits that the other similarly situated person has also been granted bail by the co-ordinate bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 72111 of 2021.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Judge, Saran at Chapra in connection with Amnour P.S. Case No. 179 of 2021, 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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