

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72543 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- VAISHALI District- Vaishali

RAKESH KUMAR RAY SON OF RAJKISHOR RAY R/O VILLAGE-
KARNEJI O.P. BELSAR, P.S. AND DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
13.10.2022, in connection with Vaishali P.S. Case No. 354/2021,
F.I.R. dated 15.09.2021, for the offences punishable under
Sections 272, 273, 413, 414 of the Indian Penal Code and
Sections 30(a) and 41(1) of the Bihar Prohibition and Excise
Act, 2016.

According to prosecution case, total 380.52 litres of
country made liquor of different brands are said to have been
recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of the disclosure made by co-accused



namely, Shashi Kumar, who was apprehended at the spot. He further submits that it appears from the F.I.R. as well as seizure list that 380.520 litres of country made liquor has been recovered from the house of the petitioner and 872.910 litres illicit liquor has been recovered from the vehicle in question. He further submits that nothing has been recovered from conscious possession of the petitioner or the house of the petitioner and except the disclosure of the co-accused persons, no cogent material has come during investigation against the petitioner to connect the complicity of the petitioner in the present occurrence. He further submits that similarly situated co-accused persons, namely, Praveen Kumar and Amresh Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 25.02.2022 passed in Cr. Misc. No. 70450 of 2021, another co-accused namely, Mukesh Kumar has been granted bail vide order dated 28.02.2022 passed in Cr. Misc. No. 71783 of 2021, another co-accused namely, Sunil Kumar has been granted bail vide order dated 08.07.2022 passed in Cr. Misc. No. 11798 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 13.10.2022.

The learned Additional Public Prosecutor for the State



on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court-II, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 354/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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