

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73031 of 2022

Arising Out of PS. Case No.-755 Year-2021 Thana- GARKHA District- Saran

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VIJAY RAI @ VIJAY KUMAR Son of Aditya Rai Resident of village - Tahal
Tola, P.S.- Garkha, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar,Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

The petitioner apprehends his arrest in connection
with Garkha P.S. Case No. 755 of 2021 for the offence
registered under Sections 30(a), (D)41(i)(ii), 33, 34 and 36 of
the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police in course of
patrolling reached '*Mina Bazar*' and came to know that co-
accused has kept liquor in his house. Accordingly, the house of
Sanjay Ray raided and 65 litres of illicit liquor was
recovered/seized. On further secret information, the other
accused persons including the petitioner herein manufactured
illicit liquor and the police went to the place. Although, the



accused persons managed to flee, 85 litres of illicit liquor was recovered/seized.

As per the FIR, nothing has been recovered from the physical possession of the petitioner and only on the basis of the information given by the '*chowkidar*', this case has been registered in that backdrop, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Excise Court, Saran in connection with Garkha P.S. Case No. 755 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her 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/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required;

(Rajiv Roy, J)

Jagdish/Neha/-

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