

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9120 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- TARAIYA District- Saran

Vijay Rai son of Shivnath Rai Village- Chakiya Ps- Taraiya Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Taraiya P.S. Case No. 247 of 2023 instituted for the offence under Sections 272, 273 of the IPC and Sections 30(a), 32(1)(2)(3), 33, 38, 41(2) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of total 300 liters of illicit country made liquor from Tempo.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01-11-2023. Petitioner bears ten criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present



case. Petitioner has no concern with the alleged recovered liquor. Name of the petitioner transpired on the basis of confessional statement of one apprehended co-accused persons, namely, Ajay Kumar Manjhi before the police having no evidentiary value. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973. Other co-accused have been allowed bail by Co-ordinate Bench of this Court passed in Cr. Misc. No. 60847 of 2023 and Cr. Misc. No. 64113 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Taraiya P.S. Case No. 247 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on



two consecutive dates, the Trial Court will have liberty to
cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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