

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20958 of 2024

Arising Out of PS. Case No.-201 Year-2023 Thana- PATEPUR District- Vaishali

Dashrath Rai @ Dashrath Kumar @ Dashrath Kumar Rai son of Mahendra
Ray R/o- W.No-7, Majharabad Kheshrahi Ps- Patepur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Patepur P.S. case No.
201 of 2023 instituted for the offences under Sections 30(a),
32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 2082.960
liters liquor was recovered from the truck in question.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
the present case. No incriminating material has been
recovered from the conscious possession of the petitioner.
The petitioner has got no concern with the alleged recovery



of liquor. It is further submitted that petitioner is neither the owner nor the driver of the truck in question. The petitioner is in custody since 15.02.2024 and has got four criminal antecedents in which he is on bail in three cases. There is no compliance of Section 100 of Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Patepur P.S. case No. 201 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)

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