

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24847 of 2024

Arising Out of PS. Case No.-559 Year-2023 Thana- GORAUL District- Vaishali

Suresh Rai @ Surendra Rai S/O Police Rai R/O Village- Piroi Rusulpur, P.S-
Goraul, Distt.- Vaishal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

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

ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Goraul P.S. Case No.
559 of 2023, instituted for the offences punishable under
Section 414 of the Indian Penal Code, Sections 30(a), 32(2) and
41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 4848.72
liters liquor was recovered from truck.

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 the petitioner is neither owner nor driver of the seized vehicle in question and name of the petitioner has transpired on the basis of secret information which was received by the police. The petitioner is in custody since 23.02.2024 and has got seven criminal antecedents and the petitioner is on bail in five cases. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Goraul P.S. Case No. 559 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.



(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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