

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32028 of 2024

Arising Out of PS. Case No.-763 Year-2023 Thana- AGAMKUAN District- Patna

Vijay Rai SON OF SHIVNATH RAI RESIDENT OF VILLAGE- LAWA
CHAKIYA PS- TARAIIYA, DIST- SARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Nand Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Agamkuan P.S. Case No. 763/2023 registered for the offences punishable under Sections 30(a)/ 30(c)/ 36, 41(1) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 1000 litre spirit was recovered from godown in question. Pashupati Nath Jaiswal, the manager of the said godown disclosed that the alleged spirit was being brought at the behest of the petitioner and others.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Except disclosure of godown manager, there is nothing on record to demonstrate the complicity of the petitioner with the



alleged occurrence. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has been remanded in this case on 12.03.2024 from Ranitalab P.S. Case No. 151/2021 since then he is languishing in jail custody. The petitioner bears criminal antecedent of two cases out of which he is on bail in one case. He further submits that the petitioner is not in any way connected with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. On similar and identical allegation, co-accused Suresh Rai has already been granted bail by this Court vide Cr. Misc. No.71589/2023 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 the learned Exclusive Special Judge, Excise, Patna City in connection with Agamkuan P.S. Case No. 763/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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