

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38746 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- BUXAR District- Buxar

Raja Rain @ Md Raja Rain Son of Manjhar Rain Resident of Village- Shanti
Nagar, Behind The Bus Stand, Ward No- 12, P.S- Buxar Town, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Buxar (Town) P.S. Case No. 103 of 2024 lodged on 20.02.2024
under Section 30(a) of Bihar Prohibition and Excise Act 2016.

3. As per the prosecution case, F.I.R has been lodged
against two named accused persons including the petitioner. The
total recovery is 94.92 litre wine has been subject matter of the
present case.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that alleged recovery has been made in gross violation of Section
100 Cr.P.C. Learned counsel submits that his name has figured
due to the six criminal antecedent of the petitioner and he is in



custody since 21.02.2024.

5. Learned counsel for the state opposes the prayer for bail and submits that antecedent of the petitioner is not clean. Therefore, this aspect may be taken into consideration at the time of consideration of the bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail, but only after framing charge, if not framed, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 01, Buxar in connection with Buxar Town P.S Case No. 103 of 2024, subject to the conditions as laid down U/s 437(3) Cr.P.C with other conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



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

(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.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I) Buxar (T) P.S. Case no. 41 of 2023

(II) Buxar (T) P.S. Case no. 271 of 2023

(III) Buxar (T) P.S. Case no. 498 of 2023

(IV) Buxar (T) P.S. Case no. 121(0) of 2021

(V) Buxar (T) P.S. Case no. 81(0) of 2022

(VI) Buxar (T) P.S. case no. 117(0) of 2022

(Dr. Anshuman, J)

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