

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51488 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- PHULWARIYA District- Gopalganj

Raghav Rai @ Raghaw Rai Son of Late Vrmha Rai @ Late Bramha Rai R/O-
VILLAGE- KANDHWARIYA, P.S.- PHULWARIYA, DISTT.- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Phulwariya P.S. Case No. 119/2024 lodged on 28.03.2024 under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018

3. As per the prosecution case, F.I.R. has been lodged
against two named accused persons including the present
petitioner with whom there is recovery of total of 261 litre of
illicit liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that petitioner has not been apprehended from the
place of occurrence and nothing incriminating has been
recovered from the possession of the petitioner and the said



recovery has been made from the possession of the co-accused. Counsel further submits that the criminal antecedent of the petitioner is not clean and there one cases pending against him in which he is on bail. The petitioner is in custody since 06.06.2024.

5. Learned APP for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted bail *three months after framing of charge*, and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge, Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 119/2024subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the following 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.

7. 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:-

- Bhore P.S. Case No. 355 of 2018.

(Dr. Anshuman, J)

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