

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60303 of 2024

Arising Out of PS. Case No.-1083 Year-2024 Thana- Excise P.S. District- East Champaran

Sanjeet Rai, Son of Bilat Rai @ Bilat Ray, R/o Village- Sapgadha, P.S.-
Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Excise P.S. Case No. 1083 of 2024 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. On a tip-off regarding transportation of illicit
liquor, the police intercepted the petitioner who was riding on a
motorcycle bearing registration no. BR05N-3520. On search,
total 40 liters country made liquor was recovered from the
motorcycle.

4. Learned counsel for the petitioner contended that
from the narratives of the FIR, it is evident that the petitioner
was apprehended while he was trying to flee away, but the fact



is that the petitioner has neither any concern with the motorcycle in question nor with the illicit liquor. However, only on account of he being present at the place of occurrence, on suspicion the name of the petitioner has been implicated in this case. It is next contended that the alleged recovery has been made from a public road but there is no independent witness to the search and seizure and, as such, in defiance with the provisions of Section 100 CrPC. It is lastly contended that the petitioner bears fair antecedent and now he has been incarcerated since 05.07.2024.

5. On the other hand, learned counsel for the State vehemently opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is neither any concern with the motorcycle in question nor with the illicit wine, coupled with the infirmities shown by the petitioner and the fact that the petitioner bears fair antecedent, let the petitioner, named above, 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 learned Exclusive Excise Court No.2, East Champaran at Motihari in connection with Excise P.S. Case No. 1083 of 2024, subject to the condition



that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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