

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70010 of 2024

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

Mangal Rai Son of Ramdahin Rai @ Late Ramdahin Rai R/o Village-
Agauthan Nanda, Police station- Isuapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-10-2024 Learned counsel for the petitioner is permitted to
make necessary correction in para-10 of the petition during
course of the day.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Agamkuan P.S. Case No. 763 of 2023 registered for the offences
punishable under Sections 30(a), 30(c), 36, 41(i) of the Bihar
Prohibition and Excise Amendment Act, 2018.

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

5. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged in the FIR. Except disclosure of godown manager, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that petitioner has been remanded in the present case from Isuapur P.S. Case No. 210 of 2023 on 22.08.2024 and since then he is in custody. Co-accused Vijay Rai has already been granted bail by this court vide Cr. Misc. No. 32028 of 2024 and the case of present petitioner is identically same and on the principle of parity, petitioner deserves bail. Petitioner bears criminal antecedent of eleven cases in which he is on bail and just because of having criminal antecedent of so many cases, petitioner has been falsely implicated in the present case.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise, Patna City, District-Patna in connection with
Agamkuan P.S. Case No. 763 of 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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