

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71589 of 2023

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

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SURESH RAI S/O LATE JALESHWAR RAI @ JAGESHWAR RAI R/O
VILLAGE- BHALUA NAKATA, P.S- JANTA BAZAR, DISTT.- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Basant Kr. Singh, Adv. Mr. Vishesh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 09-01-2024 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 of 2023 registered for the offences punishable under Sections 30(a), 30(c), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

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 bears criminal antecedent of twenty one cases. He further submits that petitioner has been implicated in one case



after another without any basis in a routine manner and in similar manner petitioner has been falsely implicated in the present case though he was not apprehended on the spot. He further submits that petitioner has no concern with the godown in question from where the alleged recovery has been made rather the same belongs to Umashankar Mahto, as mentioned in para 11 of the case diary. Petitioner is in custody since 04.09.2023. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 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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