

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72469 of 2023

Arising Out of PS. Case No.-236 Year-2023 Thana- DIGHWARA District- Saran

VINAY KUMAR RAI Son of Lalan Rai Resident of Village - Sonbarsa, P.S.
Maker, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Dighwara P.S. Case No. 236 of 2023 registered for the offences punishable under Sections 272, 273 of the I.P.C. and Sections 30(a) of the Bihar Prohibition and Excise Act and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, 210 litre country made liquor was recovered from the white colored car in question. Petitioner alongwith others was apprehended from the said car and one country made loaded pistol was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is in custody since 15.07.2023 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Co-accused Pankaj Rai and others have already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 58070 of 2023 and the case of present petitioner stands more or less on similar footing. He further submits that petitioner is neither owner nor driver of the said vehicle in question rather he is sitting in the said car as a passenger. Petitioner is quite innocent and has falsely been implicated in the present case.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 Additional District and Sessions Judge – II cum First Exclusive Special Excise



Court, Saran at Chapra in connection with Dighwara P.S. Case No. 236 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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