

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6559 of 2024

Arising Out of PS. Case No.-468 Year-2022 Thana- KOTWA District- East Champaran

SUBHASH RAI SON OF RAJENDRA RAI @ BHUVAR RAI VILL-
SURAUDHA BHITHI BAZAR, PS-BANIYAPUR, SARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Learned counsel for the petitioner is permitted to make necessary correction in cause title as well as para-1 of the bail 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 Kotwa P.S. Case No. 468 of 2022 registered for the offences punishable under Sections 272, 273/34 of the IPC and Sections 30(a), 32, 36, 41(i) (ii) of Bihar Prohibition and Excise Act.

4. As per prosecution case, 2064 litre illicit spirit was recovered from the truck in question and apprehended co-accused Manauwar Ali, Khairul Alam and Ajay Nut disclosed that they received call from mobile number 9570599995 (Subhash/petitioner) and other mobile numbers for



transportation of said illicit liquor.

5. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not owner of the truck in question and he is not in any way connected with the alleged recovery of spirit. Petitioner is in custody since 06.11.2023 and bears criminal antecedent of four cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from conscious possession of the petitioner. Moreover, apprehended co-accused Manauwar Ali, Khairul Alam and Ajay Nat have already been granted bail by a co-ordinate Bench of this court vide order dated 17.05.2023 passed in Cr. Misc. No. 2480 of 2023 and other analogous case and case of present petitioner stands on better footing as he is not apprehended on the spot.

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 Exclusive Special Excise Court No. 1, East Champaran at Motihari in connection with Kotwa P.S. Case No. 468 of 2022, 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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