

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.20862 of 2020**

Arising Out of PS. Case No.-186 Year-2020 Thana- TARAIIYA District- Saran

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ARBIND RAI, Son of Subhash Ray, Resident of Village - Dhama Parsa, P.S.-  
Isuapur, District - Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
ORAL ORDER

4      24-09-2020                      Heard learned counsel for the petitioner and Mr. Ram  
Sevak Choudhary, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Tariaya P.S. Case No.186/2020 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The petitioner was arrested when he was trying to flee away after stopping the vehicle in which he was present and from the said vehicle 60 liters of country made wine and 9 liters of English wine was recovered by the police. The petitioner moved this Court by making a statement in paragraph '3' that he has no criminal antecedent but while perusing the case diary this Court noticed that the petitioner had got two cases on his head



of similar nature which are not disclosed. Thus, on 26.08.2020, this Court issued notice to the deponent of the affidavit calling upon him to show cause as to why an appropriate proceeding be not initiated against him for making a false affidavit.

The show cause has been filed in which the deponent of the affidavit has submitted that he is brother of the petitioner but was residing at Delhi in connection with his livelihood and he was not aware of the two cases on the head of this petitioner. It is because of this reason he could not correctly explain the criminal antecedent of the petitioner in paragraph '3' of the application. He has undertaken to remain vigilant in future and not to file any affidavit before any court without proper information.

This Court would not accept the explanation submitted by the deponent of the affidavit because being the brother of the petitioner, it is difficult to accept his explanation that he was not aware of the two cases pending against the petitioner of similar nature. This Court, however finds that deponent is aged about 22 years only and it is his statement that he is residing in Delhi in connection with his livelihood, therefore, on sole consideration that at this young age the petitioner requires only admonition and a warning to be



cautious in future, this Court need not initiate a proceeding against him as it may affect him in many ways.

In order to mend his ways and get himself corrected, this Court is willing to give him an opportunity, thus, no action is being taken against deponent but with a clear warning that in future he should not be indulged in making a false statement on oath otherwise it will be taken very seriously.

So far as the present application is concerned, this Court having noticed that the petitioner is involved in two more cases of similar nature and he is kind of habitual offender allegedly indulging in similar offence while on bail, this Court is not inclined to grant him regular bail at this stage. He is in custody only for about three months. The prayer for regular bail is, thus, refused. The petitioner may renew his prayer for bail after framing of charge.

This application is dismissed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

