

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25968 of 2020**

Arising Out of PS. Case No.-26 Year-2020 Thana- PARSA District- Saran

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MUKESH RAI S/o Late Sikari Rai Resident of Village- Muzauna, P.S.- Parsa,
Distt- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rajani Kumari

For the Opposite Party/s : Ms.Asha Kumari, APP

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

2 15-10-2020 Learned counsel for the petitioner undertakes to

remove the defects, if any, within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Asha
Kumari, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Parsa P.S. Case No.26/2020 registered
for the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that from
the F.I.R. it will appear that the illicit liquor has been recovered
from the front road of the house of co-accused Mukesh Singh,
son of Balram Singh. So far as this petitioner is concerned, he



has been made accused on mere suspicion and secret information. It is further submitted that so far as this petitioner is concerned, he has got no criminal antecedent.

Learned A.P.P. for the State has accepted the submission of learned counsel for the petitioner and it has been submitted that so far as this petitioner is concerned, there is no recovery of illicit liquor from his house, though it is alleged that the liquor was recovered from the bank of the river and that this petitioner had fled away.

Considering the facts and circumstances of the case on noticing that there is no recovery from the house of this petitioner and no other material has been brought to the notice of this Court to demonstrate prima-facie the accusation against the petitioner and petitioner has got no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Court, Excise, Saran at Chapra in connection with Parsa P.S. Case No.26/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(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'.

