

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27487 of 2020**

Arising Out of PS. Case No.-104 Year-2019 Thana- VAISALI GRP CASE District- Vaishali

VINOD RAUT @ BINOD RAUT S/o- Chotak Raut R/o Village- Malikpur
Baswari, P.S.- Baswari, District- Ambekdar Nagar, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 25-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Rail Sonapur (Hajipur) P.S. Case No. 104/2019 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution story, on 24.07.2019 the informant along with Rail Police party went to the North of Hajipur Railway Station when he reached at the Railway track then saw two persons carrying bag pack coming from the direction of



Platform No. 4/5, when he ordered them to stop and on search of the bag pack total 12.960 liter India made foreign liquor was recovered from Sandeep Raut and thereafter on search of bag pack of Ghanshyam Raut 21.240 ml. India made foreign liquor was recovered. Accordingly seizure list was prepared. Thereafter on inquiry the said apprehended person stated that they have been contacted by Vinod Raut (petitioner).

Learned counsel for the petitioner submits that the illicit liquor has not been recovered from his possession, the two persons from whose possession the illicit liquors have been recovered, they have been subjected to police custody. Learned counsel submits that in the confessional statement of those apprehended accused name of the petitioner has been brought in this case, otherwise petitioner has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the illicit liquor has not been recovered from his possession, the two persons from whose possession the illicit liquors have been recovered, they have been subjected to police custody in which confessional statement of those apprehended



accused were recorded by police and based on the said confessional statement the name of the petitioner has been brought within the purview of this case but otherwise the petitioner has got no criminal antecedent and no material independent has come against him, considering all these, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Rail Sonapur (Hajipur) P.S. Case No. 104/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Session Judge – cum – Special Judge (Excise), Vaishali at Hajipur, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'

