

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23477 of 2020**

Arising Out of PS. Case No.-700 Year-2019 Thana- MAHUA District- Vaishali

AKHILESH RAI @ AKHILESH KUMAR, Son of Ramaishwar Ray,
Residence of Village-Mahua Singh Rai, P.S.-Mahua, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pratima Kumari, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

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

3 24-11-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Yogendra Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Mahua P.S. Case No. 700 of 2019 registered for the offences punishable under Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Prohibition of Excise Act.

Learned counsel for the petitioner submits that from the First Information Report itself it will appear that the house belongs to Ramaishwar Ray who is father of this petitioner and the illicit liquor has been shown recovered from the house of Ramaishwar Ray. He was arrested also and is presently on bail. So far as this



petitioner is concerned, he has been made accused by alleging that he was found fleeing away from the said place.

Learned counsel for the petitioner submits that he has no criminal antecedent and he is earning his livelihood at Calcutta. It is submitted that save and except the bald allegation that he is son of Ramaishwar Ray no prima-facie material is there to connect him in the present case.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, wherein there is no independent material presently available against the petitioner and the only allegation is that he was also involved with his father in the sale of illicit liquor, in absence of there being any corroborating material, this Court directs the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 700 of 2019, subject to the condition 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.

This 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'.

