

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No. 25986 of 2020**

Arising Out of PS. Case No.-20 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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MUNI LAL RAY S/o Late Ghoghan Ray Resident of Rachiahi-Kachahari
Tola, P.S.-Singhaul O.P. (Muffasil), District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

2 16-10-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by office within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Tarun
Prasad Mandal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Complaint Case No. 20 C-2 of 2020
registered for the offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that there is
no material at all to connect the petitioner in this case and save
and except that allegedly the co-accused Birbal Kumar who was
arrested in an inebriated condition is said to have disclosed the
name of the petitioner as one amongst others who is involved in



sale of liquor, there is neither any recovery from the house of the petitioner nor he has got any criminal antecedent.

Learned APP for the State submits that the name of the petitioner has transpired in the statement of co-accused Birbal Kumar, but so far as recovery of illicit liquor is concerned, the recovery is from straw of co-accused Shravan Rai and to that extent there is no recovery of illicit liquor from the possession of the petitioner.

Having regard to the facts and circumstances of the case and the materials showing that the illicit liquor has been recovered from the straw of one Shravan Rai and so far as this petitioner is concerned, no recovery has been shown from his house and save and except that it is alleged that he was also named by co-accused Birbal there is no other material to connect the petitioner in the present case, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 20 C-2 of 2020, 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 Additional Sessions Judge – II cum – Special Judge, Excise Act, Begusarai, 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 petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Arvind/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'.

