

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30492 of 2020**

Arising Out of PS. Case No.-181 Year-2020 Thana- BANIAPUR District- Saran

MANTU RAI, S/o Late Ram Awatar Rai, R/o Kachahari Station Chapra, P.S.-
Chapra Town, District-Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Anand Kishore Chaudhary, A.P.P.

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

2 23-11-2020 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.
Anand Kishore Chaudhary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Baniyapur @ Baniapur P.S. Case No. 181 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act 2016.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as the witnesses who have signed the seizure list are not of the place of seizure. The petitioner has no concern with the vehicle from



which the alleged illicit liquor has been seized. The petitioner is in jail since 22.06.2020 having no criminal antecedent.

Learned APP for the state has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the recovery of alleged illicit liquor has been shown from a Tempo and it is the submission of the petitioner that there is no independent witness from the place of occurrence, he is in jail since 22.06.2020 having no criminal antecedent and the investigation against him is complete as also that there is no statement on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Saran at Chapra in connection with Baniyapur @ Baniapur P.S. Case No. 181 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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