

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.12836 of 2021**

Arising Out of PS. Case No.-404 Year-2020 Thana- RUPASPUR District- Patna

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RAJA BABU Son of Babu Lal Resident of Village - Kera Dih, P.S.-  
Sahebganj, Dist.- Chandauli (U.P.) at present Tenant of Dharmendra Mukhiya  
Jalalpur, P.S.- Rupaspur, Dist.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sudish Kumar, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

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

3      03-08-2021              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 learned  
  
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in  
  
connection with Special Case No.6889/2020 (arising out of  
  
Rupaspur P.S. Case No.404/2020) registered for the offences  
  
punishable under Section 30(a) of the Bihar Prohibition and  
  
Excise Act, 2016.

Learned counsel for the petitioner submits that as per  
  
the prosecution story the informant who is ASI of Rupaspur  
  
police station stated that he along with other police personnel

was on patrolling duty and at about 7.15 pm when he reached near Jalalpur Railway line, on seeing the police party two persons started fleeing away. It is alleged that on chase both the persons were apprehended and disclosed their name as Lalu Manjhi and Raja Babu (petitioner). It is further alleged that the informant searched the hut in presence of two independent witnesses and recovered 75 liters of country made Mahua wine from the hut of accused Lalu Manjhi and also recovered 15 liters of country made Mahua wine from the hand of the petitioner in plastic gallon.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner is in custody in connection with this case since 02.12.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that 75 liters of country made Mahua wine was recovered from a hut which does not belong to this petitioner and 15 liters of country made Mahua wine was recovered from the hand of the petitioner in a plastic

gallon, the petitioner has otherwise no criminal antecedent, he is in custody in connection with this case since 02.12.2020 and investigation against him is complete but the trial is not likely to take place in near future, this Court directs that 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 Special Judge, Excise, Patna in connection with Special Case No.6889/2020 (arising out of Rupaspur P.S. Case No.404/2020), subject to the condition as laid down under Section 437 (3) 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, of 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(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'.