

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13516 of 2021**

Arising Out of PS. Case No.-312 Year-2020 Thana- PUPRI District- Sitamarhi

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VASHISHT RAI @ KARI RAI Son of Late Hardev Rai Resident of Village -
Awapur Uttari, Ward No.5, P.S.- Pupri, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-07-2021 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 Pupri P.S. Case No.312/2020 registered for the

offences punishable under Sections 272 and 273/34 of the

Indian Penal Code and Section 30(a) of the Bihar Prohibition

and Excise Act, 2016.

As per the prosecution story the S.I. of Pupri police

station submitted his written report that on 18.10.2020 at 11.30

am when the informant along with other police personnel were

on patrolling duty he received a confidential information that one Vashist Rai @ Kari Rai (petitioner) and co-accused Shankar Mahto had kept illicit wine in bamboo clamps of one Bittu Pandit. It is further alleged that when the informant along with chowkidar reached at the given place he saw that two persons were trying to flee away. The informant on chase apprehended one person who disclosed his name as Vashisth Rai @ Kari Rai (petitioner). On search from the bamboo clamps 875 bottles of illicit wine was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner has no criminal antecedent and he is in judicial custody in connection with this case since 19.10.2020.

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 recovery of illicit liquor has been made from bamboo clamps of one Bittu Pandit and it is the submission of the petitioner that he has no concern with the

same, the petitioner has no criminal antecedent and has remained in jail in connection with this case since 19.10.2020, 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Pupri P.S. Case No.312/2020, 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'.