

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12894 of 2021**

Arising Out of PS. Case No.-7 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Hirdan Rai @ Hirday Ray S/O Late Shukul Rai R/O Village-Mathna Malik
Urf Mathna Bhim, P.S-Goraul O.P. Kathra, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Damodar Pd. Tiwary, APP

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

2 15-06-2021 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.

At the outset, learned counsel for the petitioner

submits that the case at serial no. (vi) has been wrongly

mentioned in paragraph no. '3' of the application, the

petitioner is not accused in the said case. As regards in other

five cases stated in paragraph '3', the petitioner has been

acquitted in cases at serial no. (ii), (iii) & (iv). In the rest of

the two cases he is on bail.

Petitioner, in the present case, is seeking regular bail



in connection with C2 A No. 07/19 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner. A raiding party apprehended the co-accused Sunil Kumar on chase and a search was made in the hutment from where 574.560 liters of illicit liquor have been recovered from the underground ditch.

It is submitted that the petitioner has no concern with the alleged hut from where the recovery was made. It is submitted that the entire recovery is from the co-accused Ajay Rai @ Raudi Rai.

It is submitted that Sunil Kumar and other co-accused have been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 16966/2020. Petitioner is in custody since 13.11.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case as stated hereinabove and petitioner has remained in custody since 13.11.2020 and investigation against him is complete but the trial is not likely to be concluded in near future, this



Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge, Excise Court, Vaishali at Hajipur, in connection with C2-07/19 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)

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'.

