

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16798 of 2021**

Arising Out of PS. Case No.-296 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

RAJESHWAR RAI Son of Late Ban Ka Rai Resident of Village - Sirsa Sidha,  
P.S.- Baikunthpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Ranjan, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      30-06-2021      Heard learned counsel for the petitioner and learned  
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Baikunthpur P.S. Case No.296 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 2000 liters of illegal country made liquor is said to have been recovered from a pick up standing near the house of one Rajesh Rai. Name of six accused persons including



the petitioner is disclosed by the villagers.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the F.I.R. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. Petitioner has been falsely implicated in this case on mere suspicion due to ulterior motive. He is not apprehended on the spot. There is no local witness to the seizure list and at the time of occurrence, no villagers were present on the place of occurrence. Place of recovery is far away from the house of the petitioner. Petitioner has two criminal antecedent of similar nature and has been languishing in custody since 22.11.2020.

Petitioner is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of learned ADJ-II-cum-Special Judge, Excise, Gopalganj, in connection with Baikunthpur P.S. Case No.296 of 2020, with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00 (Rupees Twenty Thousand) in the PM Cares fund.

**(Anjani Kumar Sharan, J)**

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