

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17858 of 2021**

Arising Out of PS. Case No.-670 Year-2018 Thana- MOTIPUR District- Muzaffarpur

MUNNI LAL RAI @ MINILAL RAY S/O- Shiv Balak Ray @ Shivavalak Ray Resident of Village - Mahamadpur Balmi, P.S. - Motipur, District Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Advocate.

For the Opposite Party/s : Ms. Pushpa Sinha 2, APP

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

2 02-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Pushpa Sinha 2, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Motipur P.S. Case No. 670 of 2018 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(A) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the informant along with police party raided the house of this petitioner (Munnilal Rai) and other co-accused (Tuntun Rai), after noticing the police party both fled away from there, then search of both the houses of Munnilal Rai



and Tuntun Rai were made from where two drum of plastic containing 200 litres spirit were recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 24.9.2020.

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 as per the prosecution story the recovery of 400 litres of spirit have been made from a straw house of the accused named in the FIR, the petitioner has remained in jail in connection with this case for over nine months, he has got one criminal antecedent in which he is on bail, considering the period of custody, investigation being complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise, Muzaffarpur in connection with Motipur P.S. Case No. 670 of 2018, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Sonali/

-

U		T	
---	--	---	--

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'.

