

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18008 of 2021**

Arising Out of PS. Case No.-310 Year-2019 Thana- MALSALAMI District- Patna

=====

BILTU RAI @ GAURAV KUMAR Son of Horil Rai Resident of Damrahi
Ghat, P.S.- Malsalami, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay,Advocate

For the Opposite Party/s : Ms.Shaheen Begum,APP

=====

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

2 14-07-2021 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. Shaheen Begum, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 7301 of 2019 arising out of Malsalami P.S. Case No. 310 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he was carrying two jute bags containing 80 liters of mahua wine on a cycle. It is further alleged that on seeing the police party he fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present



case. It is submitted that there is no recovery from the conscious possession of the petitioner. The petitioner is in jail in connection with the present case since 09.12.2020.

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 the petitioner has been named alleging that he along with co-accused had fled away after throwing bag from which altogether 80 liters of mahua country-made wine was recovered, there being vague allegation that people from the crowd identified the petitioner but no such person has been named as to who identified the petitioner, the petitioner has got one criminal antecedent as stated in paragraph '3' but considering the period of custody of the petitioner for more than 7 months, 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 Special Judge Excise, Patna in connection with Special Case No. 7301 of 2019 arising out of Malsalami P.S. Case No. 310 of 2019, 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/-

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'.

