

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17979 of 2021**

Arising Out of PS. Case No.-287 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Kira Ray, Son of Late Sukhdeo Ray, Resident of Village Bangari, P.S. - Kanti
(PANAPUR O.P.), District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

2 13-07-2021 At the outset, learned counsel for the petitioner submits that there is a typographical error in paragraph '1' of the application where it is stated that the present application is for grant of anticipatory bail. In fact, it is a regular application.

As prayed, let the correction be carried out.

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 Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kanti (Panapur O.P.) P.S. Case No. 287 of 2020 registered for the offence punishable under Section 30(a) of



Bihar Prohibition and Excise Act, 2018. He is in custody since 24.11.2020.

The prosecution story in brief is that during the course of night patrolling on 24.05.2020 at 04.00 A.M. the informant received a secret information that one Brinda Rai along with his father were unloaded the liquor from the Cantenor. It is further alleged that on receiving the said information he proceeded towards the given place and while he reached at Panapur Chowk More he saw that one Cantenor and one Tata 407 were seen coming. It is further alleged that when the Police stopped the vehicle the persons boarded in the vehicle succeeded in fleeing away taking the advantage of darkness. On search from both the vehicles total 9432 litres of illicit liquor were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that there is no recovery of illicit liquor from the conscious possession of the petitioner. It is submitted that the petitioner has no criminal antecedent and he is in jail in connection with this case since 24.11.2020.

Mr. Akhileshwar Dayal, learned A.P.P. 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 alleged recovery of illicit liquor has been made from 'Chaur' (a lonely place) and his name has been brought in this case on the basis of information of the spy, nobody has seen him on the alleged place from where the seizure has been made, he has otherwise no criminal antecedent, however, he is in custody since 24.11.2020, investigation against him is 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 bail bond 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, Muzaffarpur in connection with Kanti (Panapur) P.S. Case No. 287 of 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'.

