

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18010 of 2021**

Arising Out of PS. Case No.-76 Year-2019 Thana- MOTIPUR District- Muzaffarpur

SUBODH RAY @ SUBODH KUMAR Son of Bhola Ray Resident of
Village- Mohan Road, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

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

2 14-07-2021 At the outset, learned counsel for the petitioner informed this court that petitioner has got one criminal antecedent and for that a supplementary affidavit has been filed today.

Learned counsel for the petitioner submits that in paragraph '6' of the petition due to typographical error it is stated that the illegal liquors have been recovered from the vehicles. In fact the liquors have been recovered from the house Bhusa Ghar of the co-accused Sunil Kumar Yadav.

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.



Petitioner in the present case is seeking regular bail in connection with Motipur P.S. Case No. 76/2019 registered for the offences punishable under Section 120(B), 353/34 of the Indian Penal Code and Section 30(a)/38(1)(2), 41(1)(2) of the Bihar Prohibition & Excise Act.

As per the prosecution story, while the informant got secret information that notorious liquor smuggler Bhola Rai and his son with their associates has taken huge consignment of liquor and stored in the house of Sunil Kumar Yadav and Mukesh Kumar Yadav, he reached at the house of Sunil Kumar Yadav and Mukesh Kumar Yadav but on seeing the police party they fled away. It is alleged that in presence of two independent witnesses who were police personnel total 692.160 liters of illicit liquors were recovered.

Learned counsel further submits that nothing has been recovered from the possession of the petitioner and petitioner has neither been arrested from the place of occurrence nor has been seeing fleeing away. It is further submitted that petitioner has no criminal antecedent and has remained in jail in connection with the present case since 11.12.2020, investigation against him is complete but the trial is not likely to be taken up in near future.



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 wherein the recovery has been made from the place of the co-accused and not from the petitioner, he has no criminal antecedent and has remained in jail in connection with this case for over six months, 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 Special Judge, Excise, Muzaffarpur, in connection with Motipur P.S. Case No. 76/2019, 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'.

