

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19408 of 2021**

Arising Out of PS. Case No.-236 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

SHRAWAN RAI Son of Manager Rai R/o Basant Chhapra, P.S.-
Mohammadpur, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

2 20-07-2021 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 Mr.
Shyameshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Mohammadpur P.S. Case No. 236 of 2020 registered
for the offences punishable under Sections 30(A) of Bihar
Prohibition and Amendment Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
prosecution story, on raid total 44.800 liters of illegal wine was
recovered from the house of the petitioner which was kept in a bag.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in the present
case. It is further submitted that the said recovery has been made



from the roof of the petitioner's house which is a joint family house over which he has no exclusive control. The petitioner is in custody since 28.11.2020 having no criminal antecedent.

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 it is the submission of learned counsel for the petitioner that altogether 44.800 liters of illicit liquor is said to have been recovered from the roof of the petitioner's house, however, the said house is a joint family house and there is no exclusive control of the petitioner on that, the petitioner has no criminal antecedent and has remained in custody in connection with this case since 28.11.2020, 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 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 Addl. District & Sessions Judge-II, Gopalganj in connection with Mohammadpur P.S. Case No. 236 of 2020, 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)

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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'.

