

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21080 of 2021**

Arising Out of PS. Case No.-80 Year-2020 Thana- PHULWARIA District- Begusarai

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BABULAL RAI, Son of Kapo Rai @ Kapildeo Rai, Resident of Village -
Sokhhara, 01, Gachchi Tola, P.S.- Phulwaria, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-08-2021 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 Phulwariya P.S. Case No. 80 of 2020 registered

for the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that

informant got secret information that the petitioner and co-

accused have kept illicit foreign liquor in a field. The informant

alongwith police team reached there and recovered 116.250

litres foreign liquor.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner and nothing has been recovered from his conscious possession. It is further submitted that petitioner has got one criminal antecedent in which he is on bail. Learned counsel submits that petitioner is in custody since 01.12.2020.

Learned A.P.P. for the State has opposed the prayer for 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 nothing has been recovered from the conscious possession of the petitioner, petitioner is in custody since 01.12.2020, he has got one criminal antecedent in which he is on bail, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released 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 Additional District Judge-II-cum-Special Judge, Excise, Begusarai in connection with Phulwariya P.S. Case No. 80 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'.