

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.21097 of 2021**

Arising Out of PS. Case No.-412 Year-2020 Thana- VAISHALI District- Vaishali

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UMESH RAI @ UMESH KUMAR, SON OF BRIJNANDAN RAI @  
BRIJNANDAN RAY R/O VILLAGE- BELKA, P.S.- VAISHALI,  
DISTRICT- VAISHALI AT HAJIPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, 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 Vaishali P.S. Case No. 412 of 2020 registered for  
  
the offences punishable under Section 30(a) of the Bihar  
  
Prohibition and Excise Act.

Learned counsel for the petitioner submits that the  
  
informant got secret information that this petitioner and other co-  
  
accused have kept country-made liquor in their house. The  
  
informant raided the said house and recovered 105 litres country-  
  
made liquor and accordingly the petitioner was arrested on the

spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is not the sole owner of the house from where the alleged recovery of liquor has been made. Learned counsel submits that the petitioner is in custody since 22.12.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is not the sole owner of the house from where the alleged recovery has been made, nothing has been recovered from his conscious possession, he has remained in custody since 22.12.2020, he has otherwise got no criminal antecedent 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 Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 412 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.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

Rishi/-

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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'.