

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22672 of 2021**

Arising Out of PS. Case No.-538 Year-2020 Thana- MAHUA District- Vaishali

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JAGARNATH RAI S/o Devan Rai R/o village- Chakdara, P.S.- Mahua,
Distt.- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

2 17-08-2021 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 Mahua P.S. Case No. 538 of 2020 registered for

the offences punishable under Sections 414 and 420 of the

Indian Penal Code and Sections 30(a) 32(ii), 38(ii) and 41(i) of

the Bihar Prohibition and Excise Act.

As per the prosecution story, the informant got secret

information that this petitioner and other accused persons are

indulged in illegal supply of wine at Village Nagsinghpur. The

informant reached at the house of one Devendra Rai where one Scorpio and one pickup van was standing. The Scorpio was searched and total 257.58 litres was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from his conscious possession and neither the vehicle nor the seized liquor belongs to this petitioner. Learned counsel submits that the petitioner is in custody since 18.10.2020.

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 the name of the petitioner has transpired as an accused who had fled away taking benefit of the darkness when in course of search of Scorpio standing at the door of the house of co-accused Devendra Rai, total 257.58 litres of foreign liquor was recovered, further submission that the petitioner has remained in jail in connection with this case since 18.10.2020 and prior to the present case he had one criminal antecedent in which he is on bail, 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 538 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

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)

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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'.