

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24432 of 2021

Arising Out of PS. Case No.-40 Year-2019 Thana- MOTIPUR District- Muzaffarpur

RAMASHANKAR RAI SON OF LATE SARYUG RAI VILLAGE
JHINGAHA PS MOTIPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nitu Kumari, Adv. Mr.Ratneshwar Prasad, Adv. Mr.Yogendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Motipur P.S. Case No.40 of 2019, registered for the offence punishable under Sections 30(a), 38(1), 41(1) of the Bihar Prohibition of Excise Act.

Approximately 100 liters of foreign liquor is said to have been recovered from a Baswari and Potato field. It is alleged



that the petitioner along with co-accused have kept the liquor in the Baswari and Potato field.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the F.I.R. He has been falsely implicated in the present case by local police. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. The petitioner has neither been arrested on the spot nor was seen fleeing away by anyone. The said place of recovery does not belong to the petitioner. Similarly situated co-accused namely Dharmendra Rai has been granted bail vide order dated 06.04.2021 passed in Cr. Misc. No.3319 of 2021 by a co-ordinate Bench of this court. Petitioner has no criminal antecedent and has been languishing in custody since 06.01.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let



the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Muzaffarpur, in connection with Motipur P.S. Case No.40 of 2019, with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00 (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

