

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28237 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- TARAIYA District- Saran

PRITAM RAI SON OF BIR BAHADR RAI Resident of Village - Bhalua
Shankar Dih, P.S.- Taraiya, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-08-2021 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 Taraiya P.S. Case No.301 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Altogether 1000 liters of spirit/country made liquor has been recovered from the Bolero Pick up van of one Mithilesh Kumar Manjhi. It is alleged that the co-accused disclosed that the said spirit belongs to the petitioner.



Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The said vehicle from where recovery has been made belongs to the co-accused. Petitioner has been falsely implicated in this case only on the basis of statement of the co-accused with ulterior motive to harass him. Petitioner has three criminal antecedents of similar nature of offence, as mentioned in para-3 of the application and has been languishing in custody since 13.01.2021.

Petitioner is agreed to deposit a sum of Rs. 10000.00/- (Rupees Ten 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 2nd Additional Sessions Judge, cum Special Judge (Excise), Saran, in connection with Taraiya P.S. Case No.301 of 2020, 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.10,000.00/- (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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