

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29517 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

ANIL RAI Son of Ramdev Rai Resident of Village - Balaha Rasalpur, Ward
No. 8, P.S.- Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 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 G.O. Case No.124/2020 registered for the
offences punishable under Section 30(A) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
28.12.2020. The petitioner has got no criminal antecedent.

The prosecution case in short is that the petitioner and
co-accused Uday Sada were arrested by the SSB personnel with
750 bottles each containing 300 ml of Nepali Saufi wine near



BP No.302/7 on 27.12.2020 while the same was being smuggled from Nepal to India.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 28.12.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 225 liters of illicit liquor were recovered from the possession of the petitioner, the petitioner has no criminal antecedent, he is in custody in connection with this case since 28.12.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with G.O. Case No.124/2020, 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.

(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'.

