

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31179 of 2020**

Arising Out of PS. Case No.-349 Year-2020 Thana- CHAPRA TOWN District- Saran

Ramji Rai, Son of Late Dhenga Rai @ Ram Ishwar Rai, Resident of Village -  
Bara Telpa, P.S. - Chapra Town, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.  
For the Opposite Party/s : Mr.Ram Chandra Singh, APP

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

2      05-02-2021                      Heard learned counsel for the petitioner and Mr. Ram  
Chandra Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest  
bail in connection with Chapra Town P.S. Case No.349 of 2020  
registered for the offences punishable under Sections 30(a) and  
41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. Learned counsel submits that there is no recovery of illicit  
liquor either from the conscious possession of this petitioner or  
from his house.

Learned counsel submits that the name of this  
petitioner has been brought alleging that his name was disclosed  
by the apprehended accused but nobody has identified this  
petitioner on the spot and the petitioner has otherwise no



criminal antecedent.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner, but has not pointed out from the F.I.R. or the seizure list any connection between the petitioner and the place from where the recovery has been made.

Having regard to the facts and circumstances of the case wherein the name of this petitioner has been brought alleging that his name was disclosed by the apprehended accused but nobody has identified this petitioner on the spot and the petitioner has otherwise no criminal antecedent, learned APP for the State has not pointed out from the F.I.R. or the seizure list any connection between the petitioner and the place from where the recovery has been made, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Chapra Town P.S. Case No.349 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

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'.

