

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.304 of 2021**

Arising Out of PS. Case No.-689 Year-2019 Thana- KUDHNI District- Muzaffarpur

Ramesh Rai Son of Jaimangal Rai Resident of Village- Thuhma, Yadab Tola,  
P.S- Kudhni, District- Muzarffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Prashant Sinha, Advocate  
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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

2      09-03-2021              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 Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kudhni P.S. Case No. 689 of 2019 registered for the offences under Sections 272, 273, 414 and 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story while the informant with Police force was on the night patrolling duty spotted two persons riding on a motorcycle having one Jute bag between them. It is alleged that



they were caught on chase and disclosed their name as Vikash Kumar and Ravi Kumar. The informant recovered 60 litres of illicit country made liquor from the Jute bag. On query the apprehended persons disclosed that the wine belongs to Ramesh Rai.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has come in the statement of the apprehended accused persons, the petitioner has no concern with the seized wine and nothing has been recovered from the possession of the petitioner. The petitioner is in custody since 06.09.2020. It is further submitted that the apprehended accused persons have been granted privilege of regular bail by the learned coordinate Benches of this Court.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the name of the petitioner has transpired in the statement of the apprehended accused, there is a recovery of 60 litres of illicit liquor from the motorcycle and it is the submission of learned counsel for the petitioner that there is no recovery from the personal possession of the petitioner and the



co-accused Vikash Kumar and Ravi Kumar have already been granted bail by the learned coordinate Benches of this Court, the petitioner has otherwise no criminal antecedent and he has remained in jail for more than six months, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kudhni P.S. Case No. 689 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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.

The application stands disposed of.

**(Rajeev Ranjan Prasad, J)**

vats/-

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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'.

