

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.267 of 2021

Arising Out of PS. Case No.-365 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

MANOJ RAI @ MANOJ KUMAR Son of Late Lala Rai Resident of Village -
Khalakbeg, P.S. - Hajipur Sadar, District - Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-03-2021 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 learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Hajipur Sadar P.S. Case No. 365 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that as per the F.I.R., 1233 litres of illicit liquor had been recovered from a truck. It is further alleged that when the police intercepted the truck, the petitioner and others succeeded in fleeing away and one Bhonu Kumar was arrested by the police.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and the name of this petitioner has been disclosed by co-accused. Learned counsel submits that the similarly situated accused has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 40178 of 2020. It is further submitted that the petitioner has got no criminal antecedent and he is in custody since 14.08.2020.

Learned A.P.P. 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 the name of this petitioner seems to have been disclosed by the apprehended accused and the similarly situated accused namely Ravi Kumar Rai @ Ravi Kumar has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 40178 of 2020, the petitioner has otherwise no criminal antecedent, let 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 365 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.

This application stands disposed of accordingly.

(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'.

