

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3528 of 2021**

Arising Out of PS. Case No.-486 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Munni Lal Rai @ Minilal Ray S/O Shiv Balak Ray Resident Of Village-
Mahamadpur Balmi, P.S Motipur, District-Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Nityanand Tiwary, A.P.P.

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

2 13-04-2021 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 Motipur P.S. Case No. 486/2019 registered for the offences punishable under Section 272, 273 of the Indian Penal Code and 30(a)/41(I)(2) of the Bihar Prohibition & Excise Act.

As per the prosecution story, 03.12.2019 while the informant got secret information that Mafias of illicit liquor were carrying spirit in huge quantity at Mahmadpur Balmi, he reached at the place of occurrence and on seeing the police personnel the 7 – 8 persons fled away towards field and on search 20 gallons each having 35 liters raw spirit were recovered and outside of the house



of the petitioner five gallons of raw spirit each containing 35 liters were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case as the recovery of illicit liquor from the place outside the premises of house of the petitioner. Learned counsel submits that petitioner is in custody since 15.06.2020 having no criminal antecedent.

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 and the submissions of learned counsel for the petitioner that it is a case of false implication as the recovery of illicit liquor is from the place outside the premises of house of the petitioner, prior to the present case the petitioner had no criminal antecedent and he has remained in jail in connection with the present case since 15.06.2020, investigation against him is complete and there being no statement on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, 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 Motipur P.S. Case No. 486/2019, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

