

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7151 of 2021**

Arising Out of PS. Case No.-196 Year-2020 Thana- MOTIPUR District- Muzaffarpur

MADAN RAI S/o Late Sakaldev Rai Resident of Village - Bhawanidih, P.S. -
Motipur, Dist. - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Nitu Kumari, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 28-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Motipur P.S. Case No. 196 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41(1) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the S.H.O. of Motipur Police Station on secret information raided the alleged place. When police reached in the hut of Shiv Kumar Singh, 3-4 persons fled away but two persons namely Madan Rai (petitioner) and Shiv Kumar Rai were identified by the police. It is further stated that on search of the said place total 120 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that investigation against the petitioner is complete. The petitioner is in custody in connection with the present case since 01.10.2020 having no criminal antecedent. It is further submitted that the petitioner has no concern with the hut from which the alleged recovery is said to have been made.

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

Having regard to the facts and circumstances of the case wherein it is submitted that 120 liters of illicit liquor has been recovered from a hut which does not belong to the petitioner, the petitioner has remained in jail since 01.10.2020, investigation against him is complete, prior to the present case he had no criminal antecedent, 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 Act, Muzaffarpur, in connection with Motipur P.S. Case No. 196 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

