

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8214 of 2021

Arising Out of PS. Case No.-158 Year-2020 Thana- RAJAPAKAR District- Vaishali

Pawan Rai, son of Sitab Rai @ Sitab Lal Rai, R/o Vill.- Pachai Jagdish, P.S.-
Rajapakar, Dist.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Rajapakar P.S. Case No. 158 of 2020 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2018. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got secret information that in village Pachai Jagdish, accused persons including this petitioner are involved in sale and purchase of country made liquor, he along with other police personnel reached at village Pachai Jagdish and found that three persons were standing and on seeing police party they fled away. The informant further alleged that on search 50 liters of



country made liquor were recovered from a rubber tube kept in a jute sack.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the name of this petitioner has been brought in this case on so-called secret information. Learned counsel further submits that recovery has been made from the street besides the school premises.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the submission that from the F.I.R. itself it would appear that the name of the petitioner has been brought in this case on so-called secret information, the recovery has been made from the street besides the school premises and nobody has identified the petitioner on the spot, the seizure list witnesses are said to be inimical to the petitioner as they are having some land dispute and facing 144 proceeding, the petitioner has otherwise no criminal antecedent as stated in paragraph '3' of the application, in the circumstances, this Court directs that in the event of his arrest or surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each



to the satisfaction of learned A.D.J.-II -cum – Excise Court, Vaishali at Hajipur, in connection with Rajapakar P.S. Case No. 158 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 allowed.

(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'.

