

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7082 of 2021**

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHINDWARA District- Sitamarhi

1. Niranjan Kumar @ Niranjan Rai Son Of Late Parikshan Rai R/O Vill.- Katlahia, P.S.- Mahindwara, Dist.- Sitamarhi
2. Hari Rai @ Harendra Rai Son Of Jagdish Rai R/O Vill.- Katlahia, P.S.- Mahindwara, Dist.- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate  
For the Opposite Party/s : Mr. Dinesh Singh, APP

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

2      23-11-2021                      At the outset, learned counsel for the petitioners seeks permission to withdraw this application as regards the petitioner no. 2 (Hari Rai @ Harendra Rai).

Permission is granted.

The application on behalf of petitioner no. 2 stands dismissed as withdrawn.

Learned counsel for the petitioners 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 petitioners and Mr. Dinesh Singh, learned APP for the State.

Petitioner No. 1 in the present case is seeking pre-arrest bail in connection with Mahindwara P.S. Case No. 36 of 2019 registered for the offences punishable under Sections 36(a)(b)(c)(f),



34, 36 and 41 of the Bihar Prohibition and Excise Act, 2016. The petitioners have no criminal antecedent.

As per the prosecution story, the informant got secret information that some persons were unloading consignment of illicit wine in Korlahi Bhaisi Bazar. On this information, the informant along with other police officials reached the said place and recovered 8 liters of kachi spirit, 12.375 liters of English wine and 3 plastic bags containing empty bottles of English Wine. Thereafter, the spy disclosed the name of the petitioners and co-accused Sunil Rai to be involved in the trade of illicit liquor.

Learned counsel for the petitioners submits that the petitioner no. 1 is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the conscious possession of the petitioner no. 1 and he has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner no. 1.

Having regard to the uncontroverted submission on behalf of the petitioner no. 1 that recovery of liquor has been made from a place situated in a buffalo market near Kali temple which is not in conscious possession of the petitioner and the petitioner has been implicated in this case on the statement of a so-called spy and further considering that in this case co-accused Sunil Rai has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this



Court in Cr. Misc. No. 487 of 2020, this Court directs that the petitioner no. 1 above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-Spl. Judge, Excise Act, Sitamarhi in connection with Mahindwara P.S. Case No. 36 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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)**

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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'.

