

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8720 of 2021**

Arising Out of PS. Case No.-148 Year-2020 Thana- PUNAURA District- Sitamarhi

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RAMESH RAI @ RAMESH KUMAR SON OF SHIVU RAI RESIDENT OF
VILLAGE-PUNAURA PURVI, P.S- PUNAURA, DISTRICT- SITAMARHI
... .. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pramod Rajpati,Advocate.
For the Opposite Party/s : Ms.Madhuri Lata,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-05-2021 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 Ms. Madhuri Lata, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Punaura P.S. Case No. 148 of 2020 registered for the offences punishable under Sections 30(A) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on secret information informant along with police party reached Punaura Birjusah Chowk and saw a tempo was coming where on seeing the police the tempo driver and one other person started fleeing but on chase one person was apprehended. The apprehended person disclosed the name of escaped person as Ramesh Rai (petitioner). The informant recovered 84 liters of country made liquor from the



said tempo.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 23.10.2020 having no criminal antecedent.

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 the petitioner has remained in custody in connection with the present case since 23.10.2020, investigation against him is complete and prior to the present case he had no criminal antecedent, let the petitioner be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with Punaura P.S. Case No. 148 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)

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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'.

