

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8740 of 2021**

Arising Out of PS. Case No.-26 Year-2020 Thana- KATHAIYA District- Muzaffarpur

BALESHWAR RAY SON OF BHIKHAR RAI RESIDENT OF VILLAGE
ASWARI BANJARIYA, P.S.- KATHAIYA, DISTRICT- MUZAFFARPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms.Anita Kumari, APP

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

2 30-04-2021 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 Ms. Anita Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kathaiya P.S. Case No. 26 of 2020 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the informant along with other police personnel raided the hutment of Niranjana Ram @ Kuesh Ram and apprehended Niranjana Ram @ Kuesh Ram and total 1392.4 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 the alleged recovery of illicit liquor is said to have been made from the hutment of co-accused Niranjan Ram @ Kuesh Ram and not from the conscious possession of the petitioner. The petitioner is in custody in connection with the present case since 09.11.2020.

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 the submission of learned counsel for the petitioner that alleged recovery of foreign liquor has been made from the hutment of Niranjan Ram @ Kuesh Ram, there is no recovery from the conscious possession of the petitioner, the petitioner is not the owner of the liquor and he is in incarceration since 09.11.2020, investigation against him is complete, there is one case against him in which his prayer for bail is pending, so far as present case is concerned, this Court directs release of the petitioner above named 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 Kathaiya P.S. Case No. 26 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 is 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'

