

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40156 of 2021**

Arising Out of PS. Case No.-258 Year-2019 Thana- SARAIYA District- Muzaffarpur

Munna Miya @ Rahmtulla Raie @ Mohammad Rahamtullah Rai, Son of
Sattar Miya, Resident of Village- Madhaul, P.S.- Saraiya, District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Yogesh Chandra Verma, Sr. Advocate Ms. Namrata Mishra, Advocate
For the Opposite Party	:	Mr.Sanjay Kumar Pandey, APP

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

2 08-02-2022 Learned counsel for the petitioner undertakes to remove
all the defects as pointed out by office within four weeks after start
of normal functioning of the Court.

Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner assisted by Ms. Namrata Mishra, learned
Advocate and Mr. Sanjay Kumar Pandey, learned Additional
Public Prosecutor for the State.

Petitioner, in the present case, is seeking regular bail in
connection with Saraiya P.S. Case No. 258 of 2019 registered for
the offences punishable under Section 272, 273, 414, 34 of the
Indian Penal Code and Section 30(a), 32(ii), 38(ii), 31(i) of the
Bihar Prohibition and Excise Act. He is in custody since
23.05.2021 having no criminal antecedent as stated in paragraph
'3' of the application.



As per the prosecution story, while the informant got secret information that Munna Miya @ Rahamtulla Raie, Bishwajit Singh @ Muski and others were unloading the truck loaded with illicit liquor behind the Middle School, Madhaul, thereafter he reached there and found one truck and two pick up van, on seeing the police force the driver of the vehicle fled away. On search total 3961.080 liters of foreign liquor were recovered from three vehicles and the same were seized in accordance with law.

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned senior counsel submits that the name of the petitioner has transpired in the statement of the Spy who has alleged that eight named and some unknown persons were involved in getting the consignment of liquor.

Mr. Sanjay Kumar Pandey, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances wherein this court has noticed from the submission that the name of the petitioner has transpired in the statement of the Spy who has alleged that eight named and some unknown persons were involved in getting the consignment of liquor, however, the co-accused similarly situated who have been named by the Spy have



been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 76112 of 2019 and Cr. Misc. No. 69882 of 2019, so far as the present petitioner is concerned, he has remained in jail since 23.05.2021, investigation against him is complete and he has got no criminal antecedent, this court directs release of the petitioner above named on bail on furnishing 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 Saraiya P.S. Case No. 258 of 2019, subject to the condition as laid down under Section 437 (3) 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.

(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'.

