

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38891 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- BIHTA District- Patna

Mijlal Rai Son Of Saryug Rai Resident Of Village- Mustaffapur, P.S.- Bihta,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate.

For the Opposite Party/s : Mr. Dinesh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Ram Jiban Pd. Singh, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Bihta P. S. Case No. 215 of 2022 giving
rise to Special Case No. 386 of 2022 for the offences
punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act.

The allegation against the petitioner to be engaged
in selling of illicit liquor, the police conducted a raid and on
search total 45 liters country-made Mahua liquor was



recovered behind the bush beside the house of the petitioner.

Learned counsel for the petitioner submits that from the FIR, it is evident that recovery has been made from the bush behind the house of the petitioner, which does not belong to the petitioner however only on suspicion the petitioner was apprehended. Furthermore, there is no compliance of Section 100(4) of the Cr.P.C. in as much as there is several, other infirmities in the seizure list and moreover, the petitioner is in custody since 06.03.2022 having fair antecedent, apart from that after completion of the investigation, charge sheet has been submitted and as such, there is no chance of absconding of the petitioner and tempering of the evidences.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission of the parties that no recovery has been made from the possession of the petitioner and considering his period of incarceration and fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur (Patna) in connection with Bihta P. S. Case No. 215 of 2022 giving rise to Special Case No. 386 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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