

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66029 of 2021**

Arising Out of PS. Case No.-93 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

MANTU RAI Son of Ramayan Rai @ Ramayan Prasad Yadav R/o village -
Basaha, P.S.- Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

At the outset, petitioner's counsel submits that due to inadvertent typographical error, he could not mention 'Basaha' in the description of petitioner in the cause-title of bail application as well as vakalatnama. Though, the correct address has been mentioned in the affidavit portion of this petition wherein his father has sworn the affidavit as parwikar annexing his unique identification (Aadhar card).

The petitioner's counsel is permitted to add 'Basaha' in the description of the petitioner in the cause-title of the bail application during course of the day.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he



is called upon to do so by the office.

Petitioner seeks bail in connection with Baikunthpur P.S. Case No. 93 of 2021 registered under Section 30(a) of Bihar Prohibition and Excise Act.

Police have received information that co-accused Mithai Rai involved in illicit trade of liquor. They have reached near the *godown* of Ajay Singh where 4-5 persons were sitting and have started fleeing away. One has been apprehended, namely, Mithai Rai, and from his possession 750 ml. liquor has been recovered. He has named the other co-accused including the petitioner. On search being carried out, 26 litres illicit liquor has been recovered from the *godown* of co-accused Ajay Singh. As per prosecution case, petitioner is also one who indulges in illicit trade of liquor.

Petitioner's counsel has submitted that even as per prosecution case, no illicit liquor has been recovered from the petitioner's possession. He has also not been arrested at the place from where recovery has been made and he is in custody since 28.09.2021. His implication is based on his antecedents arising out of four cases pending against him since before as per disclosure made in paragraph 3 of the bail application. Lastly, it is submitted that investigation is complete and charge-sheet has already been



submitted.

Learned APP has opposed the prayer for bail.

Having regard to the submissions specific submission regarding recovery from the petitioner, period of custody as also the fact that investigation is complete by submitting of charge-sheet, this Court is inclined to allow the prayer.

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 Additional Sessions Judge-II, Gopalganj in Baikunthpur P.S. Case No. 93 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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