

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69356 of 2021**

Arising Out of PS. Case No.-23 Year-2021 Thana- DERNI BAZAR District- Saran

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MITHU RAI @ RAMESHWAR RAI S/O JAMADAR RAI R/o village-
Sutihar Bathani, P.S.- Derni, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv

For the Opposite Party/s : Mr.Nand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Derni P.S.Case No.23 of 2021, registered for the offence under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 78.600 liters of English Wine.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR as well as seizure list that the seizure list was prepared without any witness. He



further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the house of the petitioner. He further submits that it appears from the seizure list that the police has falsely implicated the petitioner in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Saran, Chapra in connection with Derni P.S. Case No.23 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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