

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70116 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- ANDHRAMATH District- Madhubani

RAJA RAM RAUT Son of Umakant Raut Resident of Village- Bhaphori,
P.S.- Andharamath, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Andhramath P.S. Case No. 119 of 2021 for the offences
under Sections 272 and 273 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation in the FIR is that the SSB police upon
secret information was waiting for the accused persons. As they
approached and saw the police personnel, they tried to throw
the materials they were loading and tried running back to Nepal
but were chased and apprehended. It is further alleged that
altogether 108 liters 'Mamashri' Nepali wine was
recovered/seized and the accused persons were taken into



custody.

Learned counsel for the petitioner submits that they are merely labourers and were carrying goods as per the instruction of their contractor and had little knowledge of what is present inside that bag. He further submits that for the said misfortune, he has suffered a lot by remaining in jail since 28.10.2021 (as stated in paragraph-13 of the bail application).

Considering the aforesaid facts that the petitioner has no criminal antecedent, he is in jail since 28.10.2021, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Additional Sessions Judge -II cum Special Judge, Excise Act, Madhubani in connection with Andhramath P.S. Case No. 119 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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