

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71032 of 2021

Arising Out of PS. Case No.-131 Year-2021 Thana- JANDAHA District- Vaishali

Janak Rai Son Of Late Anandi Rai Resident Of Village - Banbeera, P.S. -
Halai O.P. , District - Samastipur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 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 learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Jandaha P.S. Case No. 131 of 2021 registered
for the offences punishable under Sections 272/273 of the Indian
Penal Code and Section 30(a) of Bihar Prohibition and Excise
Act. He is in custody since 25.06.2021 and has no criminal
antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant who is the Assistant Sub-
Inspector of Police while was on patrolling duty got secret
information that the petitioner has kept liquor at his Bathan in



village Murtuzapur. The informant after giving the information to superior officials reached at the given place where one person on seeing the police started escaping but was caught on chase and disclosed his name as Janka Rai (the petitioner). The informant searched the Bathan like hutment from which recovered 200 liters country made chulai liquor and prepared the seizure list.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that nothing has been recovered from his conscious possession and the Bathan like hutment is approachable to anyone from where the recovery is said to have been made. The petitioner has remained in custody since 25.06.2021 having no criminal antecedent.

It is submitted that the presence of the petitioner may be secured in course of trial.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is in custody since 25.06.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be



released 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 131 of 2021, 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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

