

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70915 of 2021**

Arising Out of PS. Case No.-254 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Subhash Rai Son Of Chandrika Rai Resident Of Village- Manorathi Tola
Baghari, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-06-2022 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 Runnisaidpur P.S. Case No. 254 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016. He is in custody in the present case since 04.10.2021. The petitioner has got one criminal antecedent in which he is on bail as per paragraph '3' of the application.

Learned counsel for the petitioner submits that as per the prosecution story, the informant received secret information that this petitioner and other accused persons have stored illicit



liquor in the hut of co-accused Abhram Rai in village Mehsaul. On this information, the informant along with other police officials reached there and on seeing police party four persons including this petitioner started fleeing away and escaped. The local chowkidar and villagers identified them. Thereafter on search of the hut and nearby field, total 143.700 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged recovery is not from the house of the petitioner. The petitioner has remained in custody since 04.10.2021.

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 recovery of liquor is from the premises of co-accused and not from the house of this petitioner, the petitioner has remained in custody for over 8 months, 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-Special Judge (Excise), Sitamarhi in connection with Runnisaidpur P.S. Case No. 254 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'.

