

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13465 of 2023

Arising Out of PS. Case No.-489 Year-2021 Thana- BARH District- Patna

PRAMOD RAI Son of Late Ramjee Rai R/v- Pachiyari Malahi, and P.S.-
Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 23.12.2022
in connection with Barh P.S. Case No. 489 of 2021, F.I.R. dated
20.11.2021 for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

According to prosecution case, the informant along with
other police personnel raided the place suspected to be involved
in illegal trade of wine but the accused persons manage to
escape upon seeing the police party. It is further alleged that
total 60 litres of mahua wine was recovered and 2,000 litres of
java mahua was destroyed at the spot.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case and the
petitioner was not arrested on the spot and nothing has been

recovered from the possession of the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by local villagers and petitioner has no concern at all with the alleged recovery of liquor and it appears from the FIR and seizure list that the recovery has been made from the bank of the river Ganga and the petitioner has been falsely implicated in the present case due to his previous criminal antecedent.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Special Excise Judge, Barh in connection with Barh P.S. Case No. 489 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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