

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58624 of 2023

Arising Out of PS. Case No.-261 Year-2023 Thana- NADI P.S. District- Patna

Umesh Rai S/O Beni Rai @ Benilal Ray Village- Fatehjangpur Sabalpur, P.S-
Nadi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
11.08.2023, in connection with Nadi P.S. Case No. 261 of 2023,
F.I.R. dated 04.08.2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

3. Recovery is of 90 litres of country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and it
appears from the F.I.R. that nothing has been recovered from the
conscious possession of the petitioner and as per allegation in



the F.I.R. that the petitioner and other co-accused persons have fled away from the place of occurrence and altogether 90 litres of country made liquor was recovered from the motorcycle in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question and the petitioner is in custody since 11.08.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City, Patna in connection with Nadi P.S. Case No. 261 of 2023, 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 witness, 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 antecedents, 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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