

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13562 of 2025

Arising Out of PS. Case No.-105 Year-2022 Thana- BEUR District- Patna

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Bhutali Rai @ Jagarnath Rai @ Butali Ray @ Butali Rai Son Of Late Ram Prasad Rai @ Praad Rai Resident Of Paithani Mashahari Ps- Beur Disdtrict- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Tiwary

For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 30(a), 33, 34(iv) of the Bihar Prohibition and Excise Act.

3. Earlier the anticipatory bail of the petitioner was rejected twice by this Court vide order dated 28.09.2022 and 21.06.2023 passed in Cr. Misc. No.35885 of 2022 and Cr. Misc No.23934 of 2023, with a liberty of the petitioner to surrender before the Trial Court and seek regular bail, but the petitioner filed an application for the Hon'ble Apex Court which was dismissed and, thereafter, the petitioner surrendered before the Trial Court.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 45 litres of country made liquor is said to have recovered from the place of occurrence. He submits that the petitioner was not apprehended from the spot. He further submits that petitioner has three criminal antecedents and has been languishing in custody since 03.12.2024.

5. Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the account of Lawyer's Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Beur P.S. Case No.105 of 2022, subject to the further



conditions that:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Lawyer's Association Welfare Benevolent Fund.

(Anjani Kumar Sharan, J)

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