

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30481 of 2020**

Arising Out of PS. Case No.-272 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

=====

SUMIT MISHRA, Son of Awadhesh Mishra, Resident of Village -
Mishrwaliya, Police Station - G.B. Nagar, District – Siwan. Petitioner
Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

=====

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

2 23-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed by the Stamp Reporter within three

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Yogendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with G.B.Nagar P.S. Case No. 272 of 2019

registered for the offences punishable under Sections 30(a), 33,

34, 36, 38, 41(1) of Bihar Prohibition and Excise (Amendment)

Act 2016.

Learned counsel for the petitioner submits that

petitioner has been made accused in this case on the basis of

confessional statement of apprehended accused and nothing has

been recovered from the house of the petitioner. It is submitted

that the alleged recovery of illicit liquor is from the house of



Bunilal Paswan. Petitioner is in jail since 31.05.2020 having no criminal antecedent.

Learned APP for the state has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner has not been arrested on the spot and 153 liters of illicit liquors were recovered, the petitioner is in custody since 31.05.2020, he has otherwise no criminal antecedent and it is his submission that his name has been dragged in this case in the confessional statement of co-accused Bunilal Paswan and Manish Chaudhary who have been granted privilege of regular bail vide Cr. Misc. No. 76116 of 2019 vide Annexure -2 to the present application, let 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 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Siwan in connection with G.B. Nagar P.S. Case No. 272 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.

