

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE OFFICIAL CHAMBER VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12059 of 2021**

Arising Out of PS. Case No.-123 Year-2020 Thana- JALALPUR District- Saran

SANTOSH RAJ Son of Lakshman Prasad Resident of Village - Shyam Chak,
P.S.- Bhagwan Bazar, Dist.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 05-03-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

Although this application has been listed by virtue of e-mentioning while learned counsel for the petitioner seems to have submitted that he wants to withdraw this application, when the matter is called out learned counsel for the petitioner submits that in fact he made such prayer for withdrawal only under pressure that the petitioner is languishing in jail since 17.07.2020 and this application was not getting listed.

Learned counsel has, therefore, submitted that even if the petitioner withdraws this application he will have to file another application either in the learned court below or before



this Court for bail. It seems to be a peculiar situation for the learned counsel as well as for the Court.

Considering in the interest of justice, this Court has taken up this application for consideration.

The petitioner in the present case is seeking regular bail in connection with Jalalpur P.S. Case No. 123 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that from the perusal of the seizure list, it would appear that 60 liters of country-made wine has been recovered from under a tree at main road near the village Kotheya and there is no recovery from the possession of the petitioner. This petitioner has been arrested on mere suspicion and he is languishing in jail since 17.07.2020. Prior to the present case, he had no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, wherein the seizure list is showing recovery of illicit liquor from the road side and the petitioner has remained in jail in connection with this case for eight months approximately, he



has otherwise no criminal antecedent, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of 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 Sessions Judge-cum-Special Judge, Excise, Saran at Chapra, in connection with Jalalpur P.S. Case No. 123 of 2020, subject to the condition as laid down under Section 437 (3) 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, of 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. 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'.

