

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16363 of 2021

Arising Out of PS. Case No.-767 Year-2019 Thana- KUDHNI District- Muzaffarpur

SAJJAN SAH S/o Late Bhadai Sah R/o village- Chandrahiya, P.S.- Kudhani,
Turki O.P., District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-08-2021 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. Nirmal Kumar Sinha, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kudhani (Turki OP) Case No. 767 of 2019 for the offences registered under Sections 188, 272, 273 and 34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, the informant received a secret informant that the petitioner has brought a consignment of wine and kept the same in ‘Marai’ of Ashok Sah and as well as some wine in his ‘Marai’ thereafter the informant reached there and on search 108 litres country made foreign liquor have been recovered from the Marai of the petitioner and his brother Naresh Sah.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has no concern with the co-accused Ashok Sah and nothing has been recovered from his conscious possession. It is further submitted that the FIR has been lodged on 24.11.2019 and the same has been sent to the court on 26.11.2019. It is further submitted that the petitioner is in custody since 21.10.2020 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 it is the submission on behalf of the petitioner that the alleged recovery of 88 liters and 8 liters illicit liquors have been made from the Marai of co-accused Ashok Sah and from the pond, the petitioner is in custody since 21.10.2020 having no criminal antecedent and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kudhani (Turki OP) P.S. Case No. 767 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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'.