

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13614 of 2021**

Arising Out of PS. Case No.-220 Year-2020 Thana- SAUR BAZAR District- Saharsa

DIPAK PODDAR Son of Chandeshwari Poddar Resident of Baijnathpur Patel Chouk, Police Station - SourBazar, (Baijnathpur Police Sivor), District Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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

2 27-07-2021 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 Ms. Meena Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special (Excise) Case No. 209 of 2020 arising out of Sour Bazar P.S. Case No. 220 of 2020 registered for the offences punishable under Section 272, 273, 420, 467, 468, 471, 472 and 34 of the Indian Penal Code and under Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant after receiving a secret information conducted a raid at the house of the petitioner where from an old

Omni Car total 29.250 litres of foreign liquor has been recovered and seized.

It is the submission of learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the said recovery of illicit liquor is from one Omni Car. The petitioner is in custody since 6.6.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of leaned counsel for the petitioner that the local police has falsely implicated him and his father and the allegation is of recovery of 29.250 litres of foreign liquor from the Omni Car, submission being that the petitioner has spent in jail almost one year two months apporoximately, he has got four criminal antecedent but he is on bail in all those cases, considering the period of custody being more than one year, 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 ASJ II-cum-Special Judge (Excise), Saharsa, in connection with Special (Ex) Case No. 209 of 2020 arising out of Sour Bazar P.S. Case No 220 of 2020, 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'.