

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14667 of 2021**

Arising Out of PS. Case No.-257 Year-2020 Thana- BAUSI District- Purnia

VICKY BORO @ BIKKY BORO S/o Kameshwar Boro R/o Bumfar Topa
Toli, P.S.- Khetri, District- Kamrup (Assam)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim,Advocate

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

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

2 24-06-2021 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 this Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Special Excise Case No. 440 of 2020
arising out of Baisi P.S. Case No. 257 of 2020 registered for the
offences punishable under Sections 272 and 273 of the Indian
penal Code and Sections 30(a), 41 and 47 of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant on secret information
intercepted a four wheeler vehicle and on search total 3459.96



liters of illegal liquor was recovered and the driver (this petitioner) was apprehended on the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is the driver of the truck and has no knowledge of the illicit liquors concealed under the bananas in the said vehicle. The petitioner is in jail since 16.10.2020 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 the petitioner is said to be driver of the vehicle in question from which illicit liquor has been recovered, however, submission being that the petitioner is a daily wage driver of the truck and was not aware of the illicit liquor concealed under the bananas and in that way he was himself cheated by the owner of the vehicle, the petitioner is in custody in connection with this case since 16.10.2020, prior to the present case he had no criminal antecedent and at this stage despite the completion of investigation, the trial is not likely to be concluded in near future, considering all these aspects, 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), Purnea in connection with Special Excise Case No. 440 of 2020 arising out of Baisi P.S. Case No. 257 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.

Learned counsel for the petitioner undertakes on behalf of the petitioner to submit one local surety having sufficient means and immovable property as a bailor.

In that view of the matter, one of the bailors, would be a local resident of the State of Bihar having sufficient means and immovable property.

This application stands disposed of accordingly.

(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'.

