

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14504 of 2021**

Arising Out of PS. Case No.-106 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

SIKANDAR YADAV S/o Late Bhumi Yadav Resident of Village- Chhoti
Bandehera, P.S.- Pasraha, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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

2 22-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Excise Case No. 106C3/2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the complaint, the complainant alleged that from the hut which is situated near the house of the accused persons, on search total 951.435 liters of foreign liquor and 36.00 liters Codeine Phosphate & Chlorpheniramine maleate syrup was seized.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case due to suspicion, no incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel submits that the hut from where the recovery has been shown belongs to the joint family. Petitioner is in custody since 22.10.2020 having no criminal antecedent.

Learned A.P.P. 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 of learned counsel for the petitioner that the alleged seizure of illicit liquor and Codeine phosphate & Chlorpheniramine maleate syrup has been made from a hut, which is said to be the hut of the petitioner, however the said hut belongs to the joint family, altogether five persons have been made accused in this case, petitioner was not aware of any such material kept in the hut, he has no criminal antecedent as also he is in custody in connection with this case since eight months, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named 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 Special Judge, Excise Act, Khagaria in connection with Excise Case No. 106C3/2020, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

