

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14677 of 2021**

Arising Out of PS. Case No.-428 Year-2020 Thana- BHAGWAN BAZAR District- Saran

Md. Salim Koraisi S/O Md. Alam Koraisi R/O Village-Silaut Bishunpur Jai Narayan, Ps Maniyari, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar No.1, 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 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 Bhagwan Bazar P.S. Case No.428/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the informant who is ASI of Bhagwan Bazar police station during course of raid recovered 1125 liters of illicit liquor from a pick up van of which the petitioner was a driver.



Learned counsel for the petitioner submits that the petitioner is said to be the driver of the vehicle in question from which the illicit liquor was recovered. Learned counsel submits that the petitioner was working on the instruction of the owner of the vehicle and he had no knowledge about the illicit liquor kept in the vehicle. It is submitted that the petitioner has remained in jail in connection with the present case since 23.09.2020 and prior to the present case he had no criminal antecedent.

Learned APP for the State is present and 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 petitioner is said to be the driver of the vehicle in question from which the illicit liquor was recovered, submission being that the petitioner was working on the instruction of the owner of the vehicle and he had no knowledge about the illicit liquor kept in the vehicle and in that way he was himself cheated by the owner of the vehicle, petitioner has remained in jail in connection with the present case since 23.09.2020, investigation against him is complete but the trial is not likely to be concluded in near future and prior to the present



case petitioner had no criminal antecedent, let the petitioner above named be released on bail on furnishing 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 in connection with Bhagwan Bazar P.S. Case No.428/2020, 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)

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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'.

