

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16179 of 2021**

Arising Out of PS. Case No.-115 Year-2020 Thana- SAHIYARA District- Sitamarhi

SANTOSH PASWAN S/O LOBHICHANDRA PASWAN R/O VILLAGE-
HARNAHIYA, P.S-SAHIYARA AND DISTRICT-SITAMARHI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate.

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

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

2 25-06-2021 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 the Court.

Heard learned counsel for the petitioner and Mr. Shantanu Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sahiyara P.S. Case No. 115 of 2020 registered for the offences punishable under Sections 30 (a) of Bihar Prohibition Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, total 593.400 liters of illicit Nepali Saufi Wine from a hut where the petitioner and one other co-accused were selling wine. The petitioner was apprehended on the spot and disclosed the name of other co-accused who managed to escape.

Learned counsel submits that the petitioner is innocent and



has falsely been implicated in the present case. It is submitted that the petitioner resides at the distance of one and half kilometer from the hut from where the illicit recovery has been made. The petitioner is in custody since 15.10.2020 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 alleged that from a hut which belongs to the petitioner altogether 593 liters of illicit liquor has been recovered, the submission being that the petitioner resides at the distance of one and half kilometers from the said hut, in connection with the present case he has remained in jail for 8 months, investigation against him is complete but the trial is not likely to be taken up in near future, he has otherwise got clean antecedent, considering these aspects of the matter, 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 AD.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sahiyara P.S. Case No. 115 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'.

