

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16216 of 2021**

Arising Out of PS. Case No.-25 Year-2020 Thana- SUKHANI District- Kishanganj

RATAN BANIK Son of Late Rajendra Banik Resident of Village -
Narayanpali, Balika Vidhyalaya Kandamtala near Shiv Mandir, P.S.-
Matigarha, Distt.- Darjeeling (West Bengal).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,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 this Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Sukhani P.S. Case No. 25 of 2020
registered for the offences punishable under Sections 272, 273,
34 of the Indian penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the prosecution story, when the informant with other police
officials was on patrolling say a four wheeler vehicle and on
suspicion intercepted the same and the persons who were



present in the vehicle managed to escape except the driver (this petitioner) of the vehicle. It is further alleged that on search of the vehicle, total 684 liters of illicit liquor was recovered.

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 just the driver of the vehicle in question and has no knowledge of the illicit liquors concealed in the said vehicle. The petitioner is in jail since 19.12.2020 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 the submission of learned counsel for the petitioner that the petitioner has been arrested alleging that he is the driver of the vehicle in question from which 684 liters of illicit liquor has been recovered, however, it is his submission that the petitioner has been falsely implicated in this case and he has otherwise no criminal antecedent, he has remained in custody in connection with this case since 19.12.2020, investigation against him is complete but the trial is not likely to be taken up in near future, in these circumstances, 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 Additional Sessions Judge II-cum-Special Judge (Excise), Kishanganj in connection with Sukhani P.S. Case No. 25 of 220, 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)

SUSHMA2/-

U		T	
---	--	---	--

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'.

