

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18009 of 2021**

Arising Out of PS. Case No.-102 Year-2020 Thana- SAKRA District- Muzaffarpur

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ARUN PASWAN @ ARUN KUMAR Son of Shashi Bhushan Paswan
Resident of Village - Hasanpur Bagahin, P.S.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur,Advocate

For the Opposite Party/s : Ms.Shaheen Begum,APP

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

2 14-07-2021 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 Ms. Shaheen Begum, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sakra P.S. Case No. 102 of 2020 registered for the offences punishable under Sections 420, 467, 468, 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act

Learned counsel for the petitioner submits that as per the prosecution story, the informant along with other police personnel on secret information raided village Hasanpur Bagahin where one truck was found standing and 4-5 persons standing there managed to escape. On search of the truck, total 2188.8 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 neither the owner nor the driver of the said vehicle. It is further submitted that the petitioner has no concern with the allegedly recovered illicit liquor. The petitioner is in jail in connection with the present case since 28.11.2020 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 is neither the owner nor the driver of the truck in question from which the illicit liquor has been recovered, further submission that his name has transpired on mere suspicion and no source of information has been disclosed by the informant even as co-villager has not made any complaint against the petitioner, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 28.11.2020, investigation against him is complete but the trial is not likely to take place in near future, 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 Act, Muzaffarpur in



connection with Sakra P.S. Case No. 102 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'.

