

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17929 of 2021**

Arising Out of PS. Case No.-45 Year-2019 Thana- PUNAURA District- Sitamarhi

SHYAM PATEL SON OF PRAGAS PATEL @ PRAYAG RAY RESIDENT
OF VILLAGE- GANESHPURI, P.S RIGA, DIST- SITAMARHI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-07-2021 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 learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Punaura P.S. Case No. 45 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information that Shyam Patel with his associates is involved in smuggling of liquor in the mango orchard near the village Banahi Dhankar Tola. The informant reached there and saw two persons in the orchard and out of them one was identified to be the petitioner Shyam Patel and on seeing the



police they managed to escape leaving the motorcycle. The informant recovered altogether 225 liters of illicit liquor from the bag loaded on the motorcycle and from the orchard.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the seized motorcycle does not belong to the petitioner. The petitioner is in custody since 17.12.2020.

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 motorcycle in question does not belong to the petitioner, there is no recovery from his conscious possession, he is in custody in connection with this case since 17.12.2020 and only after this case his name has been falsely implicated in two other cases which were subsequently lodged, the petitioner has remained in jail for more than six months and the investigation against him is complete but the trial is not likely to be concluded 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 Court of Additional District and Session Judge



II-cum-Spl. Judge (Excise), Sitamarhi in connection with Punaura P.S. Case No. 45 of 2019, 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'.

