

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17957 of 2021**

Arising Out of PS. Case No.-258 Year-2019 Thana- PANCHRUKHI District- Siwan

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UPENDRA SINGH Son of Shiv Kumar Singh R/o Village- Ukhai Purab Patil,
P.S.- Sarai O.P., District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Satyanand Shukla, APP

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

2 13-07-2021 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 Mr. Satyanand Shukla, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 258 of 2019 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and 30(a) Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the informant along with other police personnels reached near a school where the huge quantity of liquor has been kept. On seeing the police party, the



accused persons started fleeing and even after chase they succeeded to flee away. Total 535.680 litres foreign liquor were recovered from the place of occurrence. Thereafter, the spy disclosed the name of the accused persons.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the recovery has been made from an open place. The petitioner is in custody 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 the recovery of illicit liquor has been made from an open place, the petitioner has no criminal antecedent and 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 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 Additional District & Sessions Judge 2nd -cum-Special Judge, Excise, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 258 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'.

