

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18612 of 2021**

Arising Out of PS. Case No.-398 Year-2020 Thana- BAJPATTI District- Sitamarhi

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SUNIL KUMAR SON OF KAILASH RAI RESIDENT OF VILLAGE-
KHORIYA PS-CHORAUT, DISTRICT-SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bajpatti P.S. Case No.398/2020 registered for the offences punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case in short is that the S.H.O. of Bajpatti police station submitted his written report alleging therein inter-alia that in the night of 26.10.2020, he along with police party was on patrolling duty at Rasalpur chowk then a motorcycle was seen coming from north side. It is alleged that on seeing the

police party the motorcycle rider started fleeing away but on chase he was apprehended and disclosed his name as Sunil Kumar (petitioner). It is further alleged that on search from the motorcycle total 75 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is not the owner of the motorcycle and he has no concern with the alleged recovered illicit liquor. The petitioner is in custody since 27.10.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner is not the owner of the motorcycle, the petitioner is in custody in connection with this case since 27.10.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Bajpatti P.S. Case No.398/2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(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'.