

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18555 of 2021**

Arising Out of PS. Case No.-475 Year-2020 Thana- SITAMARHI District- Sitamarhi

Md Ahshan @ Md Ahsan Driver(Deputy Driver) Son Of Late Md Hasan
Resident Of Village- Rajo Patti Ward No.18 P.S- Sitamarhi, Dist- Sitamarhi
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok,Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary,APP

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

2 29-07-2021 At the outset, learned counsel for the petitioner informs this Court that there is typographical error in paragraph ‘1’ of the petition. in place of ‘Sitamarhi P.S. Case No. 475 of 2020’ it has been wrongly written as 457 of 2020.

Let the correction be carried out.

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. Anand Kishore Choudhary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sitamarhi P.S. Case No. 475 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 36 of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the

allegation against the petitioner is that total 337.500 liters of illicit liquor has been recovered from a vehicle and this petitioner was the co-driver of the said vehicle.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the alleged recovered illicit liquor. The petitioner is in custody since 16.09.2020 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 this petitioner is said to be the co-driver of the tampo from which 337.500 liters of Nepali Saufi Wine has been allegedly recovered, the petitioner is in custody in connection with this case since 16.09.2020, investigation against him is complete and prior to the present case he had no criminal antecedent, 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 A.D.J. II cum Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 475 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'.