

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19597 of 2021**

Arising Out of PS. Case No.-159 Year-2019 Thana- BATHNAHA District- Sitamarhi

RAM BHAROSH THAKUR @ RAM BHAROS THAKUR Son of
Paramhans Thakur @ Parbhans Thakur Resident of Village - Ramnagara,
P.S.- Riga, District - 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. Chandra Bhushan Prasad, APP

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

2 13-08-2021 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. Chandra Bhushan Prasad, learned A.P.P for the State

Petitioner in the present case is seeking regular bail in connection with Bathnaha P.S. Case No. 159 of 2019 registered for the offences punishable under Sections 272, 273/34, 414 of the Indian Penal Code and Sections 30(a) (C) of Bihar Prohibition and Excise Act. He is in custody since 22.10.2020.

Learned counsel for the petitioner submits that the informant on getting secret information intercepted one car bearing registration no. BR06-BM-1508 and recovered 74.535 liters of illicit liquor and arrested the driver and the person sitting on the front seat.

It is alleged that the apprehended persons disclosed the name of the petitioner and one another who were allegedly managed to escape.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is further submitted that nothing has been recovered from his conscious possession and he has no concern with the alleged car from which the illicit liquor is said to have been recovered. It is stated that the petitioner has two criminal antecedents.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission on behalf of the petitioner that nothing has been recovered from his conscious possession, he has no concern with the vehicle in question from which the alleged recovery of illicit liquor has been made, he has two criminal antecedents and has remained in jail since 22.10.2020 and investigation against his 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 bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Sitamarhi in connection with Bathnaha P.S. Case No. 159 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 their 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.

This application stands disposed of accordingly.

(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'.