

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18544 of 2021**

Arising Out of PS. Case No.-409 Year-2019 Thana- BASANTPUR District- Siwan

SURENDRA PRASAD @ SURENDRA SAH SON OF SATYADEV SAH
R/O VILLAGE- HUSSEPUKAND, P.S- BASANTPUR, DIST- SIWAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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

2 27-07-2021 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. Yogendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Basantpur P.S. Case No. 409 of 2019 registered for the offences punishable under Section 272, 273, 308 of I.P.C and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, total 102. 780 litres of English wine was recovered from the bush beside the road. It is alleged that when

police reached there the petitioner along with co-accused had fled away from the place of occurrence.

It is the submission of learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner was neither apprehended from the place of occurrence nor anything has been recovered from his conscious possession. The petitioner is in custody since 14.01.2021 having no criminal antecedent.

Learned APP 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 of learned counsel for the petitioner that allegedly 102.780 litres of illicit wine was being brought on the motorcycle when the police intercepted the motorcycle, the petitioner and the co-accused were said to have fled away, the co-accused Dinesh Sah has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 9654 of 2020, so far as present petitioner is concerned he is in custody since 14.1.2021, investigation against him is complete, he has otherwise 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 Additional Sessions Judge-II-cum-Special Judge Excise, Siwan in connection with Basantpur P.S. Case No. 409 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'.