

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19539 of 2021**

Arising Out of PS. Case No.-286 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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JAIKI SAH S/O BRAHMA SAH R/O VILLAGE-BISHUNPURA, P.S.-
GOPALPUR, DISTRICT-GOPALGANJ

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra,Advocate
For the Opposite Party/s : Mr.Arvind Kumar Pandey,APP

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**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.
Arvind Kumar Pandey, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Excise Case No. 286 of 2020 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the Excise Officer and his police team on
21.10.2020 during patrolling in the night stopped one
motorcycle and on search of the said vehicle, total 135 liters of
illicit liquor was recovered and the driver of the motorcycle was

arrested.

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 allegedly recovered illicit liquor. The petitioner is in custody since 21.10.2020.

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 it is the submission of learned counsel for the petitioner that total 135 liters of illicit liquor is said to have been recovered from the motorcycle, the petitioner has remained in custody in connection with this case since 21.10.2020, he has one criminal antecedent in which he is said to be on bail, 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 and Sessions Judge II cum Special Judge, Excise, Gopalganj in connection with Excise Case No. 286 of 2020, subject to the conditions 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 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'.