

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19409 of 2021**

Arising Out of PS. Case No.-3 Year-2021 Thana- KATEYA District- Gopalganj

PINTU SHARMA SON OF SURESH SHARMA RESIDENT OF VILLAGE-
LAKHANA KHAS, P.S. UCHKAGAON, DISTRICT- GOPALGANJ

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

2 20-07-2021 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. Shyameshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kateya P.S. Case No. 3 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story, on 3.1.2021 the informant along with police party was conducting vehicle checking, in the meantime, one person on motorcycle with a gunny bag tied behind the motorcycle was seen coming and when he was stopped and searched, from his bag altogether 45.8 liters of country-made wine was recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence rather he has falsely been implicated in this case. It is further submitted that the illicit liquor is alleged to have been recovered at the pucci road of village Mahanthwa More and there is no independent witness to the seizure list. The petitioner is in custody since 04.01.2021 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 it is the submission of learned counsel for the petitioner that the alleged recovery of illicit liquor is at the Pucci Road of village Mahanthwa More and one of the contentions of learned counsel for the petitioner that there is no independent witness to the seizure list, the petitioner has remained in custody in connection with this case since 04.01.2021, he has otherwise no criminal antecedent and 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 2nd Additional District & Sessions Judge, Goplaganj in connection with Kateya P.S. Case No. 3 of 2021, 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)

SONALI/-

U		T	
---	--	---	--

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'.

