

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21121 of 2021

Arising Out of PS. Case No.-519 Year-2019 Thana- FATUA District- Patna

PINTU YADAV @ PINTU KUMAR Son of Shyam Deo Singh @ Snyamdeo Prasad Resident of Village - Hajipur, P.s.- Fatuha, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-03-2021 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. B.N. Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Fatuha P.S. Case No. 519 of 2019 registered for the offences punishable under Section 30(a) and 37(c) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story, the police recovered illicit liquor from a bush and on enquiry came to know that the said liquor belongs to this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that nothing has been recovered from conscious possession of the petitioner and the place from where the alleged recovered has been made does not belong to this petitioner. The petitioner is in jail in connection with this case since 08.12.2020 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 has remained in jail in connection with the present case since 08.12.2020, investigation against him is complete and there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the above-named petitioner 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 Special Judge, Excise, Patna in connection with Fatuha P.S. Case No. 519 of 2019, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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'.

