

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21049 of 2021**

Arising Out of PS. Case No.-211 Year-2020 Thana- GOVINDPUR District- Nawada

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SAJAN KUMAR SAO SON OF OM PRAKASH SAO R/O VILLAGE-
SAMALDIH, P.S.- SATGAWAN, DISTRICT- KODERMA (JHARKHAND).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Adv.

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

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

2 05-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Govindpur P.S. Case No.211/2020 registered

for the offences punishable under Sections 30(a)/41 of the Bihar

Prohibition and Excise Act, 2016.

The prosecution case in short is that the informant

who is a Police Inspector of Govindpur police station submitted

a written report to the In-charge, Govindpur police station

alleging therein that on 06.10.2020 in course of vehicle

checking in front of police station he saw that a pickup van was coming from Satgamwa and on seeing the police party one person who was sitting in the vehicle started fleeing away. It is further alleged that on chase the said person was apprehended and on search from the vehicle total 1140 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is not named in the First Information Report and his name has been brought in this case on mere suspicion. It is submitted that the petitioner is in custody in connection with this case since 16.12.2020 having no criminal antecedent.

Learned APP for the State is present and 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 in fact the police had searched the resident of the co-accused Vipul Kumar Sao but the petitioner has been brought in this case on mere suspicion and he was arrested from his house, the petitioner has no criminal antecedent but has remained in custody since 16.12.2020, investigation against him

is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released 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 A.D.J.-II-cum-Special Judge, Nawada in connection with Govindpur P.S. Case No.211/2020, 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.

(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'.