

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20755 of 2021

Arising Out of PS. Case No.-254 Year-2019 Thana- NAANPUR District- Sitamarhi

RAJ KAPOOR SAH Son of Lal Babu Sah @ Lal Babu Prasad Resident of
Bari Souriya, P.S.- Jale, District – Darbhanga.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Udbhav, Advocate.
For the State : Mr. UpendraKumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 30-11-2021 The applicant/accused in Crime No.254 of 2019 registered with Police Station-Nanpur for the offences punishable under Sections 272 and 273 of the Indian Penal Code as well as under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016, at the instance of Ram Ekbal Prasad Sub Inspector by this application is seeking his release on bail during the pendency of the trial.

The applicant is behind the bars, as stated by the learned counsel appearing for the applicant, from 28.11.2020.

Heard learned counsel appearing for the applicant/accused.

Learned counsel appearing for the applicant submits that though Indian Made Foreign Liquor in huge quantity is stated to be seized by the police during raid but the same was not from



his house. It is further argued that the applicant has falsely been implicated in the crime in question.

Learned Prosecutor opposed the application by contending that the applicant is habitual offender. Indian Made Foreign Liquor in huge quantity is seized from the vicinity of his house from where he used to sell it out. It is further argued that the offence is punishable with life imprisonment and therefore the application needs to be rejected.

I have considered the submissions so advanced and also perused the materials placed before me including the case diary.

The applicant is having one criminal antecedent in respect of the similar offence. Section 38 of the Bihar Prohibition and Excise Act, 2016 is already repealed. The applicant, according to the prosecution case, is of bootlegger and deals with illicit liquor. According to the prosecution case, 2665.860 liters of Indian Made Foreign Liquor was seized from the Palani adjacent to the house of the applicant.

As the applicant has already undergone pretrial detention for more than one year and as the trial will take its own time to conclude, I am of the considered opinion that the liberty to the applicant can be restored to him with some stringent condition and, therefore, the following orders:-



(i). The application is allowed.

(ii). The applicant/accused in Crime No.254 of 2019 registered with Police Station-Nanpur for the offences punishable under Sections 272 and 273 of the Indian Penal Code as well as under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016, be released on bail on executing P.R. bond of Rs.50000/- (Rupees Fifty Thousand) and on furnishing one surety or two sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I). The applicant should attend the concerned trial court on each and every date of hearing. Two consecutive absence without sufficient cause of the applicant shall entail the trial court to forfeit the bail bonds of the applicant for taking him into custody.

(II). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(III). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(IV). The applicant should not repeat commission of



similar offence in future and if he is found to be doing so, the State is free to approach this Court for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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