

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21116 of 2021**

Arising Out of PS. Case No.-263 Year-2020 Thana- DIDARGANJ District- Patna

PRAMOD DAS SON OF LATE SHEYAM BALI DAS RESIDENT OF
VILLAGE- SONAMA, P.S. DIDARGANJ, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Dular Sah, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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

2 16-08-2021 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 Didarganj P.S. Case No.263/2020 registered for the offences punishable under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, on 14.12.2020 at about 10.30 am when the informant was on patrolling duty he received a secret information that two persons namely Ajit Kumar and Rajdeo Kumar were indulged in sale of illicit liquor from a under-constructed building at Punpun Bandh. On receiving this information the informant along with other police personnel reached at the given place and on seeing the police party some

persons were trying to flee away but on chase three persons were apprehended. On interrogation, they disclosed their names as Ajeet Kumar, Rajdeo Kumar and Pramod Das (petitioner). On search from the possession of the petitioner 9 liters of country made wine was recovered from the possession of the petitioner. Thereafter upon search of the under-constructed building, 225 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 due to village politics. Learned counsel submits that the petitioner has no concern with the alleged recovery of illicit liquor. It is submitted that the petitioner is in custody in connection with this case since 15.12.2020 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 only 9 liters of illicit liquor has been recovered from the possession of the petitioner, the petitioner is in custody in connection with this case since 15.12.2020, he has no criminal antecedent, 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 Special Judge, Excise, Patna in connection with Didarganj P.S. Case No.263/2020, subject to the condition 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.

(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'.