

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21114 of 2021**

Arising Out of PS. Case No.-332 Year-2020 Thana- BAUSI District- Purnia

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GURMIT SINGH Son of Gurubachchan Singh Residence of Village -
Derabhag Singh, P.S. - Gula, District - Kaithal (Haryana).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Pratima Kumari, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-07-2021

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 Mr. Ram
Sumiran Rai, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in
connection with Baisai P.S. Case No. 332 of 2020 registered for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Sections 30(a), 41 and 47 of the Bihar Prohibition &
Excise Act.

The matter has been mentioned for taking up out of turn
on the ground that the mother of the petitioner died on 12.07.2021
and her Shradh Ceremony is fixed on 25.07.2021.

Learned counsel for the petitioner submits that the
petitioner was allegedly driving the Tata Truck bearing Registration
No. JH 05 AN 1102. In course of search of said truck 3510 liters of



foreign liquor has been recovered, however, the submission being that the petitioner has remained in jail in connection with this case for seven months, prior to the present case he had no criminal antecedent and he was a mere an employee on the said truck and was not found involved in selling of foreign liquor.

Learned counsel for the petitioner has, on query made by this Court, submitted that if released on bail the petitioner shall give at least one bailor who will be a local resident within the jurisdiction of the court having sufficient means.

Learned APP for the State has opposed the prayer for regular bail of the petitioner as according to him, this petitioner was driving the truck on which the liquors were being carried.

Having regard to the facts and circumstances of the case, considering that the petitioner has remained in jail for seven months in this case and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of 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), Purnia in connection with Baisai P.S. Case No. 332 of 2020, Special Case No. 607 of 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 one of the bailors would be a local resident within the jurisdiction of the learned court below having sufficient means.

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'.

