

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21044 of 2021**

Arising Out of PS. Case No.-246 Year-2020 Thana- KHANPURA District- Samastipur

=====

SANDEEP KUMAR S/O RAM DAYAL MAHTO R/O VILLAGE
BACHHAULI, P.S. KHANPUR, DISTRICT-SAMASTIPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-07-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Khanpur P.S. Case No. 246 of 2020 registered

for the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

As per the prosecution story, the informant was on

patrolling duty when he got secret information that one Ram

Dayal Mahto (father of the petitioner) has kept huge quantity of

foreign for sale. On this information, the informant reached at

the house of the said person and searched his house from where

total 215.565 litres foreign liquor was recovered from veranda of the house and the petitioner was arrested on the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that allegedly the illicit liquor has been recovered from the veranada of the house of which the petitioner is not the sole owner. It is submitted that the co-accused has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 21604 of 2021. Learned counsel submits that the petitioner is in custody since 26.12.2020 having no criminal antecedent.

Learned A.P.P. for the State 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 the recovery is from the verandah of the house of the petitioner of which he is not the sole owner, and the further submission that the co-accused has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 21604 of 2021, the petitioner has remained in custody in connection with this case since 26.12.2020, he has otherwise got no criminal antecedent, investigation against him is complete but

the trial is not likely to take place in near future, let the petitioner above named be released 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Samastipur in connection with Khanpur P.S. Case No. 246 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 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.