

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25559 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- SAKRA District- Muzaffarpur

JYOTI KUMAR, Son of Ramchandra Sah Resident of Village - Pilkhi
Gajpatti, Tole- Korigama, P.S.- Sakra, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-09-2021 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. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Sakra P.S. Case No. 40 of 2021 registered for
the offences punishable under Sections 413 and 414 of the
Indian Penal Code and Sections 30(a), 41/36 of the Bihar
Prohibition and Excise Act, 2016. The petitioner is in custody
since 15.01.2021 and he has got no criminal antecedent.

As per the prosecution story, the informant, on a
secret information raided the house of the petitioner. Upon
search 17.565 litres illicit liquor from a goat shed and 6 litres



illicit liquor from a motorcycle were recovered and accordingly the petitioner was arrested.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and the goat shed and the motorcycle from where the alleged recovery has been made also does not belong to this petitioner.

Mr. Md. Fahimuddin, 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, the quantity of liquor allegedly recovered and the submission that the motorcycle in question does not belong to the petitioner, the petitioner has remained in custody since 15.01.2021 and has otherwise no criminal antecedent, this Court directs release of the petitioner 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 Act, Muzaffarpur in connection with Sakra P.S. Case No. 40 of 2021 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.

This application stands disposed of accordingly.

(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'.

