

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23634 of 2021**

Arising Out of PS. Case No.-324 Year-2020 Thana- BARAULI District- Gopalganj

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VARUN SINGH Son of Shambhu Singh Resident of Village - Patharwa, P.S.-
Tareya Sujan, Distt.- Kushinagar (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

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

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

2 20-09-2021 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 Md.

Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Barauli P.S. Case No. 324 of 2020 registered

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

Prohibition Excise Act, 2018.

As per the prosecution story, the informant stopped a

vehicle and this petitioner after stopping the vehicle tried to flee

away but was later apprehended by the police. When search was

made, total 480.16 litres illegal foreign liquor was recovered

from the said vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the vehicle from which the illicit liquor has been recovered does not belong to this petitioner rather he was only the driver of the vehicle. Learned counsel submits that the petitioner has got two criminal antecedents and he is on bail in both the cases. He is in custody since 23.11.2020.

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 wherein it is the submission of learned counsel for the petitioner that 480.16 litres of foreign liquor has been recovered from a car of which the petitioner is said to be the driver, the petitioner has, however, remained in jail for nine months and he has got two criminal antecedents but in both the cases he is on bail, 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 2nd Addl. District and Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with

Barauli P.S. Case No. 324 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

Learned counsel for the petitioner undertakes to provide at least one local bailor having sufficient immovable property within the jurisdiction of the learned court below.

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'.