

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23639 of 2021**

Arising Out of PS. Case No.-2 Year-2020 Thana- SARAIYA District- Muzaffarpur

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GHANSHYAM PATEL @ GHANSHYAM MAHTO Son of Ramesh Mahto
@ Ramesh Patel Resident of Village - Basantpur Patti, P.S.- Saraiya, Distt.-
Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, 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 Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Saraiya P.S. Case No. 02 of 2020 registered for
the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

As per the prosecution story, the informant on a secret
information raided the house of one Md. Hasbul. On seeing
police, two persons fled away and two persons were

apprehended and they disclosed the name of this petitioner. When the search was made 336.6 litres illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of the co-accused. It is further submitted that the co-accused have been granted bail by learned co-ordinate Benches of this Court. Learned counsel submits that the petitioner has got one criminal antecedent in which he is on bail and in connection with this case, he is in custody since 22.12.2020.

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 the name of the petitioner has transpired in the confessional statement of the co-accused who has already been granted bail vide annexure-2 to the present application, the petitioner has been remanded in this case from the only case which he has against him as stated in paragraph '3' and he has remained in custody in connection with this case since 22.12.2020, 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 Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 02 of 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.

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'.