

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22666 of 2021**

Arising Out of PS. Case No.-221 Year-2017 Thana- MITHANPURA District- Muzaffarpur

VIJAY SAH S/o Late Dahaur Sah Resident of Village- Brahampura Soda
Godown, P.S.- Brahampura, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

2 17-08-2021 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 Mithanpura P.S. Case No. 221 of 2017

registered for the offences punishable under Sections 290 of the

Indian Penal Code and Section 30(a) of the Bihar Prohibition

and Excise Act, 2016.

As per the prosecution story, the informant got secret

information that a red colour auto loaded with some cartoons of

liquor was standing at Mohalla Tinkothia. The informant

reached at the said place and in presence of two independent witnesses searched the auto from which total 103.530 litres foreign liquor was recovered.

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 petitioner is the owner of the auto and he had no idea that the driver was using his auto in supplying wine. It is submitted that nothing has been recovered from his conscious possession. Learned counsel submits that the petitioner is in custody since 25.12.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for 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 nothing has been recovered from the conscious possession of the petitioner, total 103.530 litres of foreign liquor was recovered, further submission that the petitioner has remained in jail in connection with this case since 25.12.2020 and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing 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, Exicse Act, Muzaffarpur in connection with Mithanpura P.S. Case No. 221 of 2017 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'.