

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23772 of 2021**

Arising Out of PS. Case No.-111 Year-2020 Thana- PANJWARA District- Banka

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RAJA MANDAL Son of Shankar Mandal Resident of Naya Bazar, Sakichan Ghat, near Surya Narayan mandir, Jagdishpur, P.S. Adampur, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ratnesh Kumar,Advocate

For the Opposite Party/s : Ms.Shaheen Begum,APP

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

3 24-09-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Shaheen Begum, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Spl. Case No. 797 of 2020 arising out of Panjwara P.S. Case No. 111 of 2020 registered for the offences punishable under Sections 30(a) and 32(2) of Bihar Prohibition and Excise Act. He is in custody since 30.12.2020. He has got no criminal antecedent.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he is the driver of the tempo from which total 120 liters of illicit liquor has been

allegedly recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the allegedly recovered illicit liquor. The petitioner is in custody since 30.12.2020 having no criminal antecedent.

Learned APP 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 petitioner is said to be the driver of the vehicle, the seizure is of 120 liters of foreign liquor, the petitioner is not having any criminal antecedent and has remained in custody for over 9 months, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Banka-cum-Special Judge, Excise, Banka in connection with Spl. Case No. 797 of 2020 arising out of Panjwara P.S. Case No. 111 of 2020, subject to the conditions 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.

The application stands allowed.

(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'.