

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23781 of 2021**

Arising Out of PS. Case No.-34 Year-2020 Thana- KEWATI District- Darbhanga

Rohit Sah Son Of Raja Ram Sah Resident Of Village Nanaura Ps Keoti Dist
Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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

2 23-09-2021 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.
Shailendra Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Keoti P.S. Case No. 34/2020 registered for

the offences punishable under Section 30(a) of the Bihar
Prohibition & Excise Act. Petitioner is in custody since
10.12.2020 having one criminal antecedent in which he is on
bail.

As per the prosecution story, while the informant got

confidential information that illegal wine has been kept in the
husk house of Rohit Sah. The informant further alleged that he

proceeded with his officials and when they reached at village – Nanaura at the husk house of Rohit Sah and on search total 171.615 liters of illegal liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the recovery of 171.615 liters of foreign liquor has been made from the husk house of the father of the petitioner, petitioner is in custody since 10.12.2020 having one criminal antecedent in which he is on bail.

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 alleged that the recovery of 171.615 liters of foreign liquor has been made from the husk house of the father of the petitioner, the submission being that such husk house is an open place and the seizure list witnesses are the members of the raiding party, the petitioner has got one criminal antecedent, in the said case he is on bail, in the present case the petitioner is in jail for more than nine months, this court directs release of the petitioner above named 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

Additional Sessions Judge – cum – Special Judge (Excise),
Darbhanga, in connection with Keoti P.S. Case No. 34/2020,
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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.