

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23683 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- PUNAURA District- Sitamarhi

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RANJEET SAH Son of Gauri Sah @ Gauri Shankar Sah Resident of Village -
Punaura, Police Station - Punaura, District - Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. N.K. Aggarwal, Sr. Advocate
	:	Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s	:	Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 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 Mr. N. K. Aggarwal, learned senior counsel assisted by Mr. Pushpendra Kumar, learned counsel for the petitioner and Ms. Rita Verma, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Punaura P.S. Case No. 147 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 13.01.2021.

As per the prosecution story, when during the patrolling in night hours the police party intercepted a Bolero

vehicle and an Alto car, on search they found that four persons were sitting in the vehicle, however, two of them fled away while two were apprehended, they disclosed the name of this petitioner. From the said Bolero vehicle 146.880 litres illicit liquor and from the Alto car 69 litres of illicit liquor were seized.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he is neither the owner of any of the two vehicles nor the driver of the vehicle but the police has involved him in several cases of similar kind. It is informed that although in paragraph '3' of the petition it is stated that the petitioner has got no criminal antecedent but subsequently a supplementary affidavit on 20.09.2021 has been filed on behalf of the petitioner wherein the petitioner has disclosed that he has got six criminal antecedents of similar nature in which he is on bail.

Ms. Rita Verma, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. Her submission is that the petitioner seems to be a habitual offender and while enjoying the privilege of bail, he is getting involved in similar kind of offences, therefore, the prayer for bail of the petitioner be refused at this stage.

Considering the facts and circumstances of the case wherein this Court has noticed that the name of the petitioner has allegedly transpired in the statement of the apprehended accused and the petitioner has got six criminal antecedents of similar nature, this Court is not inclined to release the petitioner on bail at this stage. Prayer for bail is, thus, refused.

If the trial is not concluded within a period of nine months from the date of communication of this order for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

The learned trial court is expected to proceed with the trial as early as possible by keeping the matter on shorter dates. The prosecution must cooperate by producing the witnesses on the date fixed in the matter.

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'.