

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23689 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SANJEEV RAJAK @ NANHAKI Son of Bhola Rajak Resident of Mohalla -
Imamganj, Shyam Kothi Dhobi Tola, P.S. - Town, District - Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur,Advocate

For the Opposite Party/s : Mr.Sanjay Kumar,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 pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Sanjay Kumar, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Town P.S. Case No. 223 of 2020
registered for the offences punishable under Sections 30(a) and
41(i) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that on
secret information that a Scorpio vehicle loaded with huge
quantity of foreign liquor is coming near Mirchai Gali, the
informant tried to stop the vehicle but the driver speed up the
vehicle. It is alleged that on search of the vehicle total 438.225

liters of foreign liquor has been recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the Scorpio vehicle from which illicit liquor has been allegedly recovered does not belong to the petitioner. The co-accused Manish Kumar Mahto @ Lakhan has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 23251 of 2020. The petitioner is in custody in connection with the present case since 04.01.2021.

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 recovery of 438.255 liters of foreign liquor has been made from a Scorpio vehicle which does not belong to the petitioner and the petitioner has no concern with the said consignment, he was arrested on the spot and his name has been brought in this case with co-accused Manish Kumar Mahto @ Lakhan on mere suspicion and further that the said Manish Kumar Mahto @ Lakhan has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 23251 of 2020, the petitioner has remained in jail in connection with this case

since 04.01.2021 and in the only case stated in paragraph '3', he has got bail, 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 Special Judge, Excise Act, Muzaffarpur in connection with Town P.S. Case No. 223 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'.