

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22655 of 2021**

Arising Out of PS. Case No.-609 Year-2020 Thana- KORHA District- Katihar

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TAPAS DAS Son of Akalu Das R/o Village- Vikaur, P.S.- Karandighi,
District- Uttar Dinajpur (West Bengal).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal

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

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**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 Korha P.S. Case No. 609 of 2020 corresponding

to G.R. No. 5112 of 2020 registered for the offences punishable

under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the

informant on the basis of a secret information reached NH-31

and started checking vehicles. A red colour magic van was

asked to stop but on seeing the police it started fleeing away but

was eventually caught by the police and when search was made, total 154.12 litres foreign liquor was recovered.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner. It is further submitted that the petitioner has no concern with the seized liquor. There is no independent witness to the alleged recovery of liquor. Learned counsel submits that the petitioner is in custody since 26.12.2020 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 the petitioner has been falsely implicated in this case, there is no independent witness to the alleged recovery of liquor, total 154.12 litres foreign liquor was recovered from the magic van, further submission that the petitioner has remained in custody since 26.12.2020 and prior to the present case he had no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released 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 A.D.J-II-cum-Special Judge, Excise Act, Katihar in connection with Korha P.S. Case No. 609 of 2020 corresponding to G.R. No. 5112 of 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.

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'.