

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22720 of 2021**

Arising Out of PS. Case No.-255 Year-2020 Thana- MANIGACHI District- Darbhanga

SURAJ KUMAR Son of Suresh Sahni Resident of Village- Brahamapura
Soda Godam, P.S.- Brahamapura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar No.1, APP

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

2 31-08-2021 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 G.O. Case No.1191 of 2020 arising out of Manigachhi (Nehra O.P.) P.S. Case No.255 of 2020 registered for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, during the course of vehicle checking the police intercepted a pick up van and

recovered 123.75 liters of foreign liquor from the said pickup van which was driven by the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is the driver of the vehicle and he has no knowledge about the wine in the vehicle. It is submitted that the petitioner is in custody in connection with this case since 19.10.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 123.75 liters of illicit liquor has been recovered from the pick up van of which the petitioner is a driver, the petitioner is in custody in connection with this case since 19.10.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond 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, Darbhanga in connection with G.O. Case

No.1191 of 2020 arising out of Manigachhi (Nehra O.P.) P.S.
Case No.255 of 2020, subject to the 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)

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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'.