

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23301 of 2021**

Arising Out of PS. Case No.-991 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

SUSHIL JHA S/o Damodar Jha Resident of Village- Mithan Sarai, P.S.-
Ahiyapur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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

2 02-09-2021 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.
Umesh Lal Verma, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Ahiyapur P.S. Case No. 991 of 2020 registered
for the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and Sections 30(a) and 36 of the Bihar
Prohibition and Excise Act.

As per prosecution story, the informant on a secret
information raided the house of one Rajdeo Sahni and from his
hut total 684 litres foreign liquor was recovered and on his

disclosure, the petitioner was arrested from his house.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on confessional statement of co-accused Rajdeo Sahni. It is further submitted that nothing has been recovered from his conscious possession and the alleged recovery of foreign liquor has been made from the hut of co-accused Rajdeo Sahni. Learned counsel submits that petitioner is in custody since 01.01.2021 having no criminal antecedent.

Learned A.P.P. 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 the illicit liquor is said to have been recovered from a hut belonging to the co-accused Rajdeo Sahni, name of the petitioner is said to have been transpired in his confessional statement extracted in policy custody, the petitioner has got no criminal antecedent and is in custody since 01.01.2021, investigation against him is complete, let 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, Muzaffarpur in connection with Ahiyapur P.S.

Case No. 991 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.

(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'.