

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23704 of 2021**

Arising Out of PS. Case No.-653 Year-2020 Thana- SITAMARHI District- Sitamarhi

PRADIP KUMAR @ BITTU S/o Shivnath Prasad R/o village- Mirchaipatti
Ward No. 9, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

2 21-09-2021 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. Sanjay Kumar Tiwary, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sitamarhi P.S. Case No. 653 of 2020 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Sections 30(a) and 36 of the Bihar Prohibition and Excise Act.

As per the prosecution story, the informant on a secret information reached at the Ring Bandh and started checking vehicles. One white colour Scorpio was indicated to stop but on

seeing the police three-four persons (including the petitioner) sitting in the vehicle started to flee away but this petitioner was caught eventually. Upon search total 353.880 litres foreign liquor was recovered from the said Scorpio and accordingly the petitioner was arrested.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and the vehicle from which the illicit liquor has been recovered does not belong to this petitioner. Learned counsel submits that the petitioner is in custody since 05.12.2020 having no criminal antecedent.

Mr. Sanjay Kumar Tiwary, learned A.P.P. 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 353.880 litres illicit liquor has been made from a vehicle in which allegedly three-four persons were there and this petitioner was one of them, however, the petitioner has got no criminal antecedent and has remained in jail in connection with this case since 05.12.2020, this Court directs release of the petitioner above named 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 653 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'.