

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23590 of 2021**

Arising Out of PS. Case No.-503 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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GAUTAM KUMAR @ GAUTAM OJHA Son of Krishn Mohan Ojha
Resident of Khabada, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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

2 13-09-2021 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.
Pramod Kumar Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Muzaffarpur Sadar P.S. Case No. 503 of 2020
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution story the informant got secret
information that this petitioner is involved in illegal trade of
liquor. The informant reached at the *bathan* of the petitioner and
on seeing the police, three persons sitting on a tractor started

fleeing away but two of them (including this petitioner) were eventually apprehended. When the said tractor was searched, total 232.200 litres foreign liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the tractor from which the recovery of liquor has been alleged does not belong to this petitioner and nothing has been recovered from his conscious possession. The petitioner has got one criminal antecedent in which he is on bail and he is in custody in connection with the present case since 11.09.2020.

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 232.200 litres of illicit liquor is said to have been made from a tractor which was standing in front of the *bathan* of the petitioner but the said tractor does not belong to the petitioner and further that the petitioner is in jail since 11.09.2020, he has got one criminal antecedent as stated in paragraph '3', in which he is on bail, 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 Special Judge (Excise) Act, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 503 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'.