

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23744 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- DAGARUA District- Purnia

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SURESH KAMAT, Son of Sukhdeo Kamat, Resident of Village- Malhad,
P.S.- Supaul, District- Supaul, State- Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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**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. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Dagarua P.S. Case No. 222 of 2020 (Special Excise Case No. 557/2020) registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and Sections 272 and 273 of the Indian Penal Code.

As per the prosecution story, on secret information the informant started searching the vehicles from where he recovered 152.625 litres of illicit liquor from Dickey of the car.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner and he is not owner of the vehicle. The petitioner has got no criminal antecedent and seizure list is not in accordance with Section 100 Cr.P.C. The petitioner is in custody in connection with this case since 09.12.2020.

Mr. Akhileshwar Dayal, 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 the allegation against the petitioner who is driver of the vehicle that 152.625 litres of illicit liquor has been recovered from the dickey of the vehicle, however, submission of learned counsel for the petitioner is that there is no recovery from the conscious possession of the petitioner, he is not owner of the vehicle, the petitioner has got no criminal antecedent and seizure list is not in accordance with Section 100 Cr.P.C. as also that the petitioner has remained in custody in connection with this case since 09.12.2020, 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 Additional District and Sessions Judge 2nd -cum-Special Judge, Excise, Purnea in connection with Dagarua P.S. Case No. 222 of 2020 (Special Excise Case No. 557/2020) , 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)

vats/-

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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'.