

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25579 of 2021

Arising Out of PS. Case No.-471 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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HARENDRA PASWAN S/o- LATE YOGENDRA PASWAN Resident of
Village- Basbitta Ward no.-10 @ Ward no.10, Basbita, P.S.- Majorganj,
District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2021 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.
Choubey Jawahar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with C2 Case No. 471 of 2020 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act. He is in custody since 30.12.2020 and has got
no criminal antecedent.

As per the prosecution story, on 29.12.2020 at about
7.10 pm, the S.S.B. personnel along with police party caught
three persons, including this petitioner, near India-Nepal Border



Pillar No. 339/15. When their bags were searched, total 108 litres Nepali Saufi wine was recovered and accordingly the accused persons were 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 the recovery of liquor has been made from the joint possession of the three accused persons named in the F.I.R. and this petitioner has no concern with the seized liquor.

Mr. Choubey Jawahar, 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 it is the submission of learned counsel for the petitioner that 108 litres of liquor have been recovered from the joint possession of the three accused persons named in the F.I.R. It is submitted that petitioner has got no criminal antecedent and has remained in custody in connection with this case since 30.12.2020, in the circumstances, 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 A.D.J.-II-cum-



Special Judge, Excise Act, Sitamarhi in connection with C2
Case No. 471 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'.

