

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27660 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- BAUSI District- Purnia

Md. Chhotu, S/O- Late Abdul Hakim, R/O- Dadri, Ward No. 14, P.S. Manpur,
District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2021 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. Md. Iftekhar Mahmood, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Special Excise Case No. 619 of 2020 arising out of Baisi P.S. Case No. 337 of 2020 registered for the offence punishable under Section 272 and 273 of the Indian Penal Code and Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016. He is in custody since 24.12.2020. The petitioner has otherwise no criminal antecedent.

As per the prosecution story, while the informant got a secret information that a truck is carrying liquor via integrated check post, Dalkola, then he reached there and started checking



the vehicle and the driver of the vehicle tried to flee away by leaving the vehicle but he was apprehended by the police force. The informant further alleged that on search total 855 liters of illicit liquor were recovered from the truck.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that petitioner is the driver of the truck in question from where 855 liters of illicit liquor has been recovered, however petitioner is in custody since 24.12.2020 having no criminal antecedent.

Mr. Md. Iftexhar Mahmood, 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 this petitioner is said to be the driver of the vehicle from which the illicit liquors have been recovered, considering that the petitioner has got no criminal antecedent as stated in paragraph '3' of the application and he has remained in jail since 24.12.2020, investigation against him is complete but the trial is not likely to take place in near future, 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 Special Judge (Excise), Purnea in connection with Special Excise Case No. 619 of 2020 arising out of Baisi P.S. Case No. 337 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)

Rajeev/-

U		T	
---	--	---	--

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'.

