

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27712 of 2021

Arising Out of PS. Case No.-46 Year-2018 Thana- NAANPUR District- Sitamarhi

RADHEY SHYAM MISHRA @ RADHE SHYAM @ SHYAM KUMAR Son
of Late Rupadaun Mihsra Resident of Village- Janipur, P.S.- Nanpur, District-
Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2021 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.
Rabindra Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Nanpur P.S. Case No. 46 of 2018 registered for
the offences punishable under Sections 272, 273 and 34 of the
Indian Penal Code and Sections 30(a) and 37(b) of the Bihar
Prohibition and Excise Act. He is in custody since 01.02.2021.
The petitioner has got no criminal antecedent.

As per the prosecution story, the informant got secret
information that one Sanjeev Thakur has kept illicit wine in a



Math in village Koeyali. The informant along with other police personnel reached at the said place and on seeing police, the accused persons tried to flee away but the said Sanjeev Thakur was apprehended. Upon search total 206 litres illicit liquor was recovered from the Math.

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 petitioner has not been arrested from the place of occurrence and has been made accused on the confessional statement of the apprehended person. Learned counsel submits that the petitioner has no concern with the recovered liquor.

Mr. Rabindra Kumar, learned APP 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 the petitioner has not been arrested from the place of occurrence and he has been made accused on the confessional statement of the apprehended person and further that the petitioner has remained in custody in connection with this case since 01.02.2021 and he has otherwise got no criminal



antecedent, 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 Additional District and Sessions Judge-II-cum-Special Judge (Excise) Sitamarhi in connection with Nanpur P.S. Case No. 46 of 2018 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)

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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'.

