

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27807 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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BIMAL SADAI Son of Shiv Narayan Sadai Resident of Village- Sisauni,
P.S.- Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr.Adv.

Ms.Kumari Shubham, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-10-2021 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 senior counsel for the petitioner and Mr. Awadhesh Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with G.O No.24 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 14.01.2021. The petitioner has got no criminal antecedent.

As per the prosecution story, the informant on secret information along with other police personnel conducted a raid in the Middle School, Sisauni and upon search from the store room of the school 826.62 liters of liquor was recovered.



Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that this petitioner is said to be the headmaster of the school from whose premises the liquors were recovered. It is submitted that during Covid-19 pandemic period all the schools in the State of Bihar were closed and the petitioner being headmaster of the said school was not present in the school, hence, in his absence if some miscreants had stored the illicit liquor, the headmaster cannot be blamed for that and it cannot be said to be a recovery from the conscious possession of the petitioner.

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 this petitioner is said to be the headmaster of the school from whose premises the liquors were recovered, the submission being that during Covid-19 pandemic period all the schools in the State of Bihar were closed and the petitioner being headmaster of the said school was not present in the school, hence, in his absence if some miscreants had stored the illicit liquor, the headmaster cannot be blamed for that and it cannot be said to be a recovery from the conscious possession of the petitioner and further considering the submission that the petitioner has remained in jail



since 14.01.2021, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that 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 Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with G.O. No.24 of 2021, 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'.

