

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27665 of 2021

Arising Out of PS. Case No.-551 Year-2020 Thana- AKBARPUR District- Nawada

Mahender Kumar @ Mahender Sharma, Son of Late Nandlal Sharma,
Resident of Mohalla - Baliya Bazere, Police Station - Akabarpur, District -
Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2021 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 Akbarpur P.S. Case No. 551 of 2020 registered for the offence punishable under Section 30(a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016. He is in custody since 23.09.2020. The petitioner has otherwise no criminal antecedent.

As per the prosecution story, the informant has alleged that when he got secret information that two vehicles are going towards Akbarpur with loaded illegal wine, he proceeded with police force, thereafter when the vehicle reached near police two persons jumped and tried to flee away but one person was caught and other fled away. The informant further alleged



that four persons came out from Scorpio vehicle and they tried to rescue the apprehended person but police arrested them and on search of the vehicles 90 liters of foreign liquor and 558 liters beer were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner was sitting on Scorpio as a passenger and he has no knowledge about the alleged illicit liquor. Learned counsel submits that the co-accused have been granted bail by the learned coordinate Bench of this Court in Cr.Misc. No. 39345/2020.

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 total 468 liters of illicit liquor were recovered from the vehicles, petitioner is in custody in connection with this case since 23.09.2020 having no criminal antecedent, 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 Sessions Judge-II-Special Judge, Nawada in connection with Akbarpur P.S. Case No. 551



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/-

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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'.

