

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27717 of 2021**

Arising Out of PS. Case No.-17 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Uttam Kumar Mishra @ Uttam Kr. Mishra S/O Parmeshwar Mishra R/O  
Mohalla Gossaingaon, Ward No. 2, P.S.- Gossaingaon, Post-Gossaingaon,  
District Kokrajhar, Assam

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Madhu Prasun, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      07-10-2021                      Heard learned counsel for the petitioner and Mr. Pranav  
Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Gaighat P.S. Case No. 17 of 2021 registered for the offences punishable under Section 272/273/420/467/468/471 / 34 of the Indian Penal Code and Section 30(a)/41(1)/36 of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the informant alleged that on receiving secret information from the prohibition unit that a Truck No. RJ09GA-1210 is coming via Darbhanga through NH-57, in which a large quantity of illicit liquor is loaded, he proceeded to that place and stopped the Truck in question and on seeing police party the driver and khalasi tried to flee away but were apprehended, in the meantime, several persons assembled there. The informant further alleged that on search of the Truck



total 1149.900 liters of illicit liquor were recovered from a secret compartment. On search of the cabin of the truck one number plate of Truck No. RJ09GA0-2431 was recovered.

Learned counsel submits that petitioner has been falsely implicated in this case, petitioner has not been arrested on the spot and his name has transpired as a person who has helped in loading of the liquor on the Truck in the State of Assam, however he is in custody since 25.01.2021 having no criminal antecedent.

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 court has noticed that petitioner has not been arrested on the spot, his name has transpired as a person who has helped in loading of the liquor on the Truck in the State of Assam and that the driver and khalasi of the vehicle have already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 26038/2021 and Cr. Misc. No. 26978/2021 respectively and further the co-accused namely Amir Kumar Paswan @ Bhola has also been granted bail in Cr. Misc. No. 38361/2021, further noticed that the petitioner has remained in jail in connecation with this case since 21.01.2021, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of 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, Muzaffarpur in connection with Gaighat P.S. Case No. 17 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.

Further condition that in terms of his offer/promise made before this court the petitioner shall make available one local bailor who will be a resident of the State of Bihar having sufficient immovable property.

**(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'.

