

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29403 of 2021**

Arising Out of PS. Case No.-392 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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NANDAN YADAV S/o Kami Yadav R/o village- Kharhat Ward No. 9, P.S.-
Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 28-10-2021 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 learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Sahebpur Kamal P.S. Case No.392 of 2020
registered for the offences punishable under Section 120B/34 of
the Indian Penal Code and Sections 30(A), 32 and 41(i) of the
Bihar Prohibition and Excise Act, 2016. He is in custody since
18.12.2020 The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story the recovery is of 153 liters of illicit liquor



from an open place in front of the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 18.12.2020 having no criminal antecedent.

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 the recovery is of 153 liters of illicit liquor from a place which is an open place in front of the house of this petitioner, the petitioner has got no criminal antecedent and he is in jail since 18.12.2020, investigation against him is complete, but the trial is not likely to commence 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 Special Judge, Excise, Begusarai in connection with Sahebpur Kamal P.S. Case No.392 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)

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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'.

