

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28459 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- GUTHANI District- Siwan

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ARMAN ALI S/O ASHRAF HUSAIN @ ASRAF HUSSAIN R/O
VILLAGE-CHHAP, POLICE STATION-MIRGANJ, DISTRICT-
GOPALGANJ.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-10-2021 Learned counsel for the petitioner undertakes to

remove all the defects within four weeks after start of normal

functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Sucheta Yadav, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Gudhani P.S. Case No. 43 of 2021 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act. He is in custody since 23.02.2021.
Petitioner has got no criminal antecedent.

As per the prosecution story, while the informant was
on night patrolling duty intercepted a car on secret information
from which one person was apprehended and one managed to
escape. The apprehended person disclosed his name as Arman



Ali the petitioner and the informant recovered 265.500 illicit liquors from the said car.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. It is submitted that nothing has been recovered from conscious possession of the petitioner and the petitioner is in custody since 23.02.2021 having no criminal antecedent. It is submitted that the vehicle from which the liquor is said to have been recovered does not belong to the petitioner.

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 the submission of learned counsel for the petitioner that the vehicle does not belong to the petitioner from which 265.500 illicit liquor is said to have been recovered, he is in custody since 23.02.2021, he has otherwise no criminal antecedent, investigation against him is complete and the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge,



Excise, Siwan in connection with Gudhani P.S. Case No. 43 of 2021, subject to the conditions as laid down under Section 437(3) of the 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.

The application stands allowed.

(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'.

