

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29502 of 2021

Arising Out of PS. Case No.-37 Year-2019 Thana- MAJORGANJ District- Sitamarhi

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ARUN RAI S/O NARAYAN RAI R/O VILLAGE BABHANGAMA, P.S-
RIGA, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain 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 Majorganj P.S. Case No.37/2019 registered for the offences punishable under Sections 270 and 271 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 24.01.2021. The petitioner has got no criminal antecedent.

As per the prosecution story on 10.03.2019 the informant along with other police personnel was on patrolling duty and when he reached at Khairwa chowk then he saw that



two persons sitting on a motorcycle with two bags were coming. On suspicion they were signaled to stop then the rider of motorcycle started fleeing away after throwing bags but on chase one of them was apprehended. On search from the bags 171 liters of illicit liquor 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 motorcycle in question does not belong to the petitioner and the name of the petitioner has transpired in the confessional statement of the co-accused. It is submitted that the petitioner is in custody in connection with this case since 24.01.2021 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 171 liters of illicit liquor was recovered from a motorcycle which does not belong to the petitioner and his name has transpired in the confessional statement of the co-accused, he is in custody since 24.01.2021 having no criminal antecedent, 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 District and Sessions Judge-II-cum-Special Judge, Excise, Sitamarhi in connection with Majorganj P.S. Case No.37/2019, 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'.

