

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29412 of 2021

Arising Out of PS. Case No.-446 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAMADHAR SINGH @ RAMADHAR KUMAR Son of Late Sohan Singh
@ Ram Sohan Kumar Resident of Village - Binodpur, P.S. - Muffasil
(Singhoul), District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash 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 29-10-2021 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 Muffasil (Singhoul) P.S. Case No.446/2020
registered for the offences punishable under Sections 120(B) and
414 of the Indian Penal Code and Sections 30(a) and 41(i) of the
Bihar Prohibition and Excise Act, 2016. He is in custody since
17.02.2021. The petitioner has got one criminal antecedent in
which he is said to be on bail.

As per the prosecution story on 03.09.2020 the
informant along with other police personnel were on patrolling



duty. He received a secret informant that north-east of Sushil Nagar near Samudayik Bhawan illegal liquor was being unloaded. On getting such information, he reached at the given place and on seeing the police some persons succeeded in fleeing away taking advantage of the darkness. On search from the truck and Bolero 1551.96 liters of foreign liquor were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that nothing has been recovered either from the conscious possession of the petitioner or from his house and his name has transpired on the secret information. It is submitted that the petitioner is in custody in connection with this case since 17.02.2021.

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 it is the submission of learned counsel for the petitioner that the alleged recovery is liquor has been made from the eastern and northern side of Samudayik Bhawan in Sushil Nagar and such recovery cannot be said to be from the conscious possession of the petitioner, the name of the petitioner is said to have transpired on the secret information, the petitioner has no concern with the vehicle being truck and Bolero and further that the petitioner has



remained in custody in connection with this case since 17.02.2021, he has got one criminal antecedent which case has been registered after present case and in the said case the petitioner is said to be on bail, 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 Act, Begusarai in connection with Muffasil (Singhoul) P.S. Case No.446/2020, 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'.

