

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29397 of 2021**

Arising Out of PS. Case No.-12 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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PRABHU NATH PRASAD SON OF LATE GANESH PRASAD Resident of
Village - Inayatpur Tola, P.S.- Daudpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Roy, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 01-11-2021 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 Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Saran Excise Case No. 12 of 2021 registered

for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
08.01.2021 having no criminal antecedent as stated in paragraph
'3' of the application.

Learned counsel for the petitioner submits that as per

the prosecution story, on secret information the informant raided



the place of occurrence and recovered 160 liters of illicit liquor from the field of the petitioner and petitioner was arrested.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing has been recovered from the conscious possession of the petitioner and the illicit liquor has been recovered from the open field, however he is in custody since 08.01.2021.

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 alleged recovery is said to have been made from a bush and the submission is that the recovery is not from the conscious possession of the petitioner, he has remained in custody since 08.01.2021, he has otherwise no criminal antecedent, investigation against him is complete, but the trial is not likely to take place in near future, 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 Additional Sessions Judge - 2nd – cum – Special Judge (Excise), Saran, in connection with Saran Excise Case No. 12 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.

(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'.

