

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30878 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- NARPATGANJ District- Araria

SAGAR KUMAR RAJAK Son of Late Shatrughan Rajak @ Shatruhan Rajak
Resident of Village- Bhargama, Ward No. 1, P.O. and P.S.- Bhargama,
District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr.Bal Mukundn Pd. Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 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 Bal
Mukund Pd. Sinha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Special Case No. 137/2021 arising out of
Narpatganj (Bathnaha) P.S. Case No. 59 of 2021 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016. He is in custody since 07.02.2021 having
no criminal antecedent as stated in paragraph '3' of the
application.

As per the prosecution story, on secret information the
informant along with SSB Police personnel reached at Border



Pillar No. 186/11P76, he saw a motorcycle coming from Nepal, the said motorcycle was intercepted by patrolling party inside 150 meters of Indian territory, motorcycle rider person tried to escape but was apprehended and he disclosed his name as Sagar Kumar Rajak (the petitioner). The said motorcycle was searched and total 126 liters illegal liquor were seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated, nothing has been recovered from the possession of the petitioner, however he is in custody since 07.02.2021.

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 total 126 liters of illegal liquor has been recovered from the motorcycle in question, this petitioner has remained in custody since 07.02.2021, investigation against him is complete, 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 2nd Additional



Sessions Judge – cum – Special Judge, Excise Act, Araria, in connection with Special Case No. 137/2021 arising out of Narpatganj (Bathnaha) P.S. Case No. 59 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'.

