

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36265 of 2021**

Arising Out of PS. Case No.-136 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Nitesh Kumar S/O Late Bhadai Rai @ Bhudo Ray R/O Village Gobarsahi, Ps
Sadar District Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Ms. Renuka Ratnakar, APP

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

2 02-08-2021 This case has been listed out of turn after considering the mentioning slip of the petitioner wherein it has been informed that the mother of the petitioner is seriously ill and her condition is deteriorated day by day and petitioner's father died in the year 2015.

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 Muzaffarpur Excise Case No. 136 of 2021 (P.R.No. 6/2020-2021) registered for the offences punishable under Section 30(a)/32(3) of the Bihar Excise Act.

As per the prosecution story, while the informant got secret information that in the Bathan of Gobarsahi Village situated at Ward No. 3 illicit wine is being kept and supplied to different locality of town, the informant reached at the place of occurrence and started search of the house of the accused and from the Bathan which was situated at North side of the house of the accused total 342 liters of Indian made foreign liquor and from the back seat of the Car parked near the house of the accused 4.5 liters of wine were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the recovery of illicit liquor is said to have been made from a Bathan which is situated towards northern side of the house of the petitioner. Learned counsel submits that petitioner is in custody since 10.03.2021 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner is that the recovery of illicit liquor is said to have been made from a Bathan which is situated towards northern side of the house of the petitioner and four liters of liquor have been

allegedly recovered from a vehicle with which the petitioner has no concern, the petitioner is said to be 19 years old student and has no criminal antecedent, he has already remained in jail in connection with this case since 10.03.2021, 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 Special Judge, Excise Act, Muzaffarpur in connection with Muzaffarpur Excise Case No. 136 of 2021 (P.R.No. 6/2020-2021), subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.