

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3525 of 2021**

Arising Out of PS. Case No.-40 Year-2019 Thana- JANTA BAZAR District- Saran

Prabhu Sah @ Prabhunath Sah, S/o Late Prahlad Sah, R/O village - Kateya,
P.S. - Janta bazar, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, A.P.P.

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

2 13-04-2021 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 Janta Bazar P.S. Case No. 40 of 2019 registered for the offences punishable under Section 272, 273, 34 of the Indian Penal Code and Section 30(a), 38, 41 of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, on 11.03.2019 on secret information that one Prabhu Sah has stocked foreign liquor at his house, the informant and police party reached at his residence and on seeing the police party some persons started fleeing away and one of them was caught on chase who disclosed his name as



Mukesh Sah. It is alleged that on search 280 bottles of 375 ml foreign liquor which were kept in cartoon and plastic sack were recovered from the room of Prabhu Sah (petitioner).

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case only on the basis of suspicion and petitioner is in custody since 04.07.2020 having no criminal antecedent.

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 and the submissions of learned counsel for the petitioner that the petitioner has remained in jail in connection with the present case for nine months and prior to the present case he has no criminal antecedent, investigation against him is complete and further incarceration of the petitioner in jail is not likely to come in aid of investigation or the prosecution, 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, Saran, in connection with Janta Bazar P.S. Case No. 40 of 2019, 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'.

