

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36304 of 2020**

Arising Out of PS. Case No.-231 Year-2020 Thana- PAROO District- Muzaffarpur

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Pramod Sahani S/o Late Jaga Sahani R/o Village- Gariba, P.S.- Paroo,
District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Satyanand Shukla, APP

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

4 08-07-2021 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 Paroo P.S. Case No. 231/2020, G.R. No.
614/2020 registered for the offences punishable under Section
30, 30(a) of the Bihar Prohibition & Excise Act.

As per prosecution story, while the informant go
secret information that Ajay Rai, Mukesh Rai, Pintu Sah, Sanjay
Rai of Damodarpur along with their associates unloading liquor
and selling it. The informant reached to the alleged place and
found that some persons were loading liquor in Mazic Pick Up
vehicle and a scooter loaded with liquor was there, on seeing
police party the accused persons fled away by taking advantage
of darkness. He has further alleged that in front of the house of



Ajay Rai, a Mahindra Mazic and Honda Activa vehicles loaded with liquor were present and on search total 3453.865 liters of illicit liquor were seized. The Chowkidar and other persons disclosed that the petitioner along with others were involved in illegal business of liquor.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case only on mere suspicion. Learned counsel submits that nothing has been recovered from the possession of the petitioner, however he is in custody since 16.08.2020.

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 this petitioner is said to be involved in liquor business but in the case diary no independent material has been brought and learned A.P.P. for the State submits that there are statements of the members of the police force who were involved in conducting raid, however no independent material has been brought to the notice of this court, this court having found that petitioner has remained in jail in connection with the present case for ten months and he has got two criminal antecedents and learned counsel for the petitioner has informed this court that



petitioner is on bail in both the cases, 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, Muzaffarpur, in connection with Paroo P.S. Case No. 231/2020, G.R. No. 614/2020, 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’.

