

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3561 of 2021**

Arising Out of PS. Case No.-1 Year-2020 Thana- DUMARIYA District- Gaya

PRAMOD BHUIYAN Son of Ramvilash Bhuiyan Resident of Village -
Mahudi, P.S.- Dumariya, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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

2 13-04-2021 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the stamp reporter within four weeks from the date of start of normal functioning of this 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 Dumariya P.S. Case No. 01 of 2020 registered for the offences under Section 30(a) of the Bihar Excise and Prohibition Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant received secret information about trade of illicit liquor in Mahudi village. The informant



along with the police party raided the house of this petitioner and recovered 15 litres illicit liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that prior to the present case, the petitioner had no criminal antecedent and he is in custody since 05.06.2020.

Learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the present case and the submissions of learned counsel for the petitioner that prior to the present case, the petitioner had no criminal antecedent, he has, however, been taken on remand in one another case after his arrest in the present case, the petitioner has remained in jail in connection with the present case since 05.06.2020, the recovery allegedly of 15 litres of mahua wine is from the house of the petitioner, considering that the investigation against the petitioner is complete and at this stage there is no submission on behalf of the State that his release is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bonds 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, Gaya in connection with Dumariya P.S. Case No. 01 of 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 above-mentioned order shall not be delayed for purpose of or in the name of



verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

