

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3484 of 2021**

Arising Out of PS. Case No.-130 Year-2020 Thana- KARJA District- Muzaffarpur

PAPPU SAH S/o Late Nathuni Sah R/o village- Rautaniya, P.S.- Karja,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 09-04-2021 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 Karja P.S. Case No. 130 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant was on patrolling duty when he got a secret information that the petitioner is indulged in trade of illegal foreign liquor in his straw hut. Thereafter, the police reached the said place and a raid was conducted from where a total



of 365 litres illegal liquor (approximately) was seized from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel has further submitted that nothing has been recovered from the conscious possession of this petitioner and the petitioner doesn't reside in the hut from where the said liquor has been seized. It is submitted that the petitioner is in custody since 29.08.2020.

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

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the alleged recovery has been shown from a straw hut of this petitioner in which he doesn't reside, the petitioner is languishing in jail since 29.08.2020, investigation against him is complete and at this stage there is no submission on behalf of the State that the release of the petitioner 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 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



Karja P.S. Case No. 130 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 the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This 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'.

