

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE OFFICIAL CHAMBER VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2172 of 2021**

Arising Out of PS. Case No.-805 Year-2017 Thana- HAJIPUR District- Vaishali

=====

MURARI LAL, SON OF SRI MEHAR SINGH, RESIDENT OF VILLAGE-
DHUNDARHERI, POLICE STATION-KAITHAL SADAR, DISTRICT-
KAITHAL, STATE-HARIYANA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Udbhav, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-03-2021 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 Hajipur Town P.S. Case No. 805 of 2017 registered for the offences punishable under Sections 188, 120(B)/34 of the Indian Penal Code and Sections 30/38 of Bihar Prohibition and Excise Act, 2016.

The prosecution story in brief is that on 17.11.2017 at about 3:00 AM in the night the informant was conducting a raid



at Gandak Bridge near pillar no. 2 on receiving a secret information that a truck bearing registration no. RJ-1U-GC-9134 is carrying consignment of illegal liquor. It is alleged that in course of search of the truck a total of 1080 litres illicit liquor has been recovered from the said truck.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has been dragged in this case being owner of the vehicle and he was arrested from his house. It is submitted that the petitioner was not present in the vehicle when it was intercepted by the police and in fact it is the brother of the petitioner who is managing the business through the vehicle in question. It is also submitted that the petitioner has remained in jail in connection with the present case since 29.08.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein learned counsel for the petitioner has submitted that the petitioner has been brought within the purview of this case being owner of the vehicle, he was arrested from his house, he was not present in the vehicle when it was intercepted by the



police and in fact it is the brother of the petitioner who is managing the business through the vehicle in question, the petitioner has remained in jail in connection with the present case since 29.08.2020, investigation against him in complete and he is ready to provide one local bailor and one bailor from his family in order to secure his appearance in course of trial, there being no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, the other co-accused have already been granted bail by a learned coordinate Benches of this Court vide Annexure - '2' series and the petitioner has otherwise no criminal antecedent, the only case which he had earlier, he has already been acquitted in the said case and Mr. Akhileshwar Dayal, learned A.P.P. for the State has informed that there is no criminal antecedent of the petitioner, this Court directs that the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 805 of 2017. One of the sureties/bailor should be a local resident of the State of Bihar having sufficient immovable



property and another would be family member of the petitioner having no criminal antecedent. This will be subject to the conditions contained in Section 437 (3) Cr.P.C. and further that in course of trial the petitioner shall put his appearance on each and every date fixed in the matter and two consecutive defaults in putting appearance before the learned court below shall invite cancellation of bail of the petitioner by the learned court below itself.

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)

arvind/-

U		T	
---	--	---	--

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'.

