

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5552 of 2021**

Arising Out of PS. Case No.-184 Year-2018 Thana- KATRA District- Muzaffarpur

=====

SANU MISHRA S/o Surendra Singh @ Tannu Mishra R/o Village- Dhanaur,
P.S.- Katra, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Ms. Babita Kumari, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

=====

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

2 15-04-2021 Heard learned counsel for the petitioner and Ms. Anita
Kumari Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Katra P.S. Case No. 184 of 2018 registered for the offences punishable under Sections 272, 273, 420, 467, 471 of the Indian Penal Code and 30(a)/36/38 of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on secret information the informant intercepted a car and a motorcycle but one Bolero vehicle managed to escape. The apprehended persons disclosed the name of the petitioner as the driver of the Bolero vehicle loaded with liquor and informant recovered 264.930 liters of illicit liquor.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused and he has not been arrested on the spot. The petitioner has remained in jail in connection with the present case since 31.08.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the co-accused, he has not been arrested on the spot and further submission that in connection with the present case he has remained in jail since 31.08.2020, this Court having noticed that the petitioner has got two criminal antecedents of similar nature in which he is on bail, this Court directs release of the petitioner above named on bail **on completion of nine months of custody i.e. on or about 31st May, 2021** on furnishing of 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 Act, Muzaffarpur in connection with Katra P.S. Case No. 184 of



2018, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

And further condition that the petitioner shall cooperate in course of trial. He will appear on each and every



date fixed in the matter and two consecutive defaults in putting appearance in the trial court shall invite steps towards cancellation of bail of the petitioner by the learned court below itself.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

Rishi/-

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'.

