

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5560 of 2021**

Arising Out of PS. Case No.-617 Year-2020 Thana- BARACHATTI District- Gaya

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MUNNA VERNWAL SON OF LATE DASO VERNWAL RESIDENT OF
VILLAGE- PISCA MORE, MAHADEO NAGAR, POLICE STATION-
SUKHDEO NAGAR, DISTRICT- RANCHI (JHARKHAND)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-04-2021 Heard learned counsel for the petitioner and Ms.
Gulnar Begum, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Barachatti P.S. Case No. 617 of 2020
(C.I.S. 1276 of 2020) registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
petitioner alleged to have been apprehended from a vehicle from
which 117 liters of illicit liquors have been recovered.

Learned counsel submits that the petitioner is innocent
and has falsely been implicated in the present case. It is
submitted that the petitioner is neither the owner nor the driver
of the vehicle in question and there is no recovery from his



possession. The petitioner is in jail in connection with the present case since 09.10.2020 having no criminal antecedent.

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 he is neither the owner nor the driver of the vehicle in question, he has been falsely implicated in this case even though nothing has been recovered from his possession, he has remained in jail in connection with the present case since 09.10.2020, prior to the present case he had no criminal antecedent and at this stage further incarceration of the petitioner is not likely to come in aid of the investigation or the prosecution, let the petitioner above named be released on bail 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 Additional District and Sessions Judge-II-cum Special Court of Excise, Gaya, in connection with Barachatti P.S. Case No. 617 of 2020 (C.I.S. 1276 of 2020), 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.

The application stands allowed.

(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'.

