

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7057 of 2021**

Arising Out of PS. Case No.-685 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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MANOJ PRASAD Son of Late Bishun Prasad Resident of Village - Agarpur,
Police Station - Kadirganj in the district of Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-04-2021 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 Ms.
Sangeeta Sharma, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Excise Case No. 685 of 2020 registered for the
offences punishable under Sections 30(a)(d) of Bihar Prohibition
and Excise Act, 2016.

Learned counsel for the petitioner submits that on secret
information the Excise Officials raided the place situated at bank
of river of Village Mustichak and recovered 1800kg of Jawa
Mahua kept in nine drums under the soil and 100 liters of illicit
wine.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the seizure list witnesses are not independent witnesses and they are excise constables. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner and he has no concern with the recovered articles. Learned counsel submits that the petitioner is in jail since 09.09.2020 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 in connection with the present case the petitioner has remained in jail since 09.09.2020, he has otherwise no criminal antecedent, the seizure list witnesses are not independent witnesses, investigation against him is complete and further incarceration of the petitioner is not likely to come in aid of the investigation or 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 Special Judge, Excise cum Additional Sessions Judge II, Jehanabad, in connection with Excise Case No. 685 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'.

