

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8206 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Amit Kumar @ Bittu S/O Baiju Sah R/O Village- Nawangar Bazar, P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Sahebganj P.S. Case No. 296 of 2020 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code read with Section 30(a) of Bihar Prohibition and Excise Act. The petitioner has no criminal antecedent.

As per the prosecution story, the police received secret information that this petitioner and Baiju Sah have taken one room on rent in Ranju Singh's market as a godown and adjacent hotel and they have been dealing in liquor. On this



information, the police raided the hotel and arrested this petitioner and Baiju Sah. Subsequently, police searched the room and total 23.100 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no independent material to connect the petitioner with the present case. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the submissions that the name of the petitioner has been brought in this case saying that he is partner with one Baiju Sah who had taken one room on rent in Ranju Singh's market and the said room was allegedly being used as godown from which illicit liquor of about 23 liters have been recovered, the submission being that this petitioner has not taken any room as godown on hire and there is no recovery from the possession of the petitioner, further the police has not found any independent material to connect the petitioner with the co-accused Baiju Sah as partner and the allegations against the petitioner are only false and flimsy with an intention to falsely implicate him in the present case, the petitioner has otherwise



no criminal antecedent, in the circumstances, this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Spl. Judge, Excise, Muzaffarpur in connection with Sahebganj P.S. Case No. 296 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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'.

