

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8804 of 2021**

Arising Out of PS. Case No.-198 Year-2018 Thana- NAWANAGAR District- Buxar

TEJ NARAYAN SINGH SON OF RAJENDRA PRASAD SINGH R/O
VILLAGE- SUKSENA DERA AMSARAI, P.S.- KORANSARAI, DIST.-
BUXAR Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar Ray,Advocate
For the Opposite Party/s : Mr.Amitesh Kumar,APP

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

2 03-05-2021 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. Amitesh Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Nawanagar (Sonbarsa O.P.) P.S. Case No. 198 of 2018 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he is the owner of the TATA 407 pickup bearing registration no. BR-44G-6279 from which about 515 liters of illicit liquor has been recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that all other co-accused similarly situated have been granted bail by learned



Co-ordinate Benches of this Court. The petitioner is in jail in connection with the present case since 15.10.2020 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 alleged that this petitioner is the driver of the TATA 407 pickup bearing registration no. BR-44G-6279 from which about 515 liters of illicit liquors were recovered by the police, the petitioner is in custody in connection with the present case for more than six months, it is being submitted that all other co-accused who were similarly situated and arrested in the same transaction under the present FIR have been granted bail by learned Co-ordinate Benches of this Court, the petitioner had otherwise no criminal antecedent prior to the present case, investigation against him is complete and his further incarceration is not likely to come in aid of investigation or prosecution, this Court directs release of the petitioner above named 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 & Sessions Judge II-cum-Special Judge (Excise), Buxar in connection with Nawanagar (Sonbarsa O.P.) P.S. Case No. 198 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.

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'.

