

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8709 of 2021**

Arising Out of PS. Case No.-131 Year-2019 Thana- KALUAHI District- Madhubani

NARESH PASWAN SON OF- MADAN PASWAN RESIDENT
OF VILLAGE- BIRAUL, PS- PANDAUL, DIS- MADHUBANI.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP,

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

2 30-04-2021 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. Sanjay Kumar Sharma, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kaluahi P.S. Case No. 131 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(A) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the informant on secret information reached at the Jeebach river and seeing the police vehicle three-four persons standing near the pickup van fled away. On search total 1500 litres illicit liquor has been recovered from one White color pick up van and a red colour Splendor Plus bike. The petitioner is the owner of the said bike.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of this petitioner. Petitioner had no criminal antecedent. The petitioner is in custody since 24.11.2020.

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 illicit liquors have not been recovered from the conscious possession of the petitioner, though the allegation is that it has been recovered from the motorcycle which belongs to the petitioner, the petitioner has remained in jail in connection with the present case since 24.11.2020, he has otherwise no criminal antecedent, investigation against him is complete and further incarceration of the petitioner 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 Sessions Judge II-cum-Special Judge (Excise), Madhubani in connection with Kaluahi P.S. Case No. 131 of 2019, 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'

