

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9164 of 2021

Arising Out of PS. Case No.-274 Year-2019 Thana- MADHUBAN District- East Champaran

PAWAN PRASAD SON OF MAHADEV PRASAD R/O VILLAGE-
SIROULI WARD NO. 6 POKHRA TOLA, P.S.- MADHUBAN, DIST.-
EAST CHAMPARAN, MOTIHARI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2021 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 learned A.P.P. for the State.

The petitioner, in the present case, is seeking regular bail in connection with Madhuban P.S. Case No. 274 of 2019 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story the informant while on patrolling duty got secret information about illicit liquor being kept in the house of the petitioner. A raid has been conducted and a total of 765.900 litres illicit liquor has been recovered from the house of this petitioner.



On seeing the police party the petitioner fled away whose name has been disclosed by the co-villagers.

Learned counsel submits that the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of this petitioner. Learned counsel submits that the petitioner has got no criminal antecedent and he is in custody since 10.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this petitioner has remained in jail since 10.10.2020 in connection with the present case, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to conclude in near future and there being no submission on behalf of the State that his release at this state is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond 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 Act, East Champaran, Motihari in connection with Madhuban P.S. Case No. 274 of 2019, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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 antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(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'.

