

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10482 of 2021**

Arising Out of PS. Case No.-317 Year-2020 Thana- PANDAUL District- Madhubani

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SANDEEP SAFI @ SANDIP SAFI Son Of SITARAM SAFI Resident Of
Village - Budhan jha Tole, P. S. - Pandaul, District - Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Miss Kusum Rani, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-05-2021 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 learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pandaul P.S. Case No. 317 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the informant who is the SHO of Pandaul police station got a secret information that one Ganga Ram of village Budhan Jha Tole is doing business of illicit liquor and stored the same in his hut. On receiving such information the informant along with other police personnel reached there and raided the hut of Ganga Ram. It is alleged that on seeing the police



party the said Ganga Ram along with one another person fled away. It is further alleged that on search total 1044 liters of illicit liquor were recovered from the said hut and accordingly seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that the petitioner is not named in the FIR and the recovery of illicit liquor is said to be from the hut of co-accused Ganga Ram. It is submitted that the petitioner has otherwise no criminal antecedent and he is in custody in connection with this case since 08.12.2020.

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 the petitioner is not named in the FIR, he is in custody since 08.12.2020, the recovery of illicit liquor is said to be from the hut of co-accused Ganga Ram and the petitioner has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Pandaul P.S. Case No. 317 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'.

