

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10591 of 2021**

Arising Out of PS. Case No.-26 Year-2020 Thana- JADOPUR District- Gopalganj

MALIK SINGH SON OF RAMCHANDRA SINGH R/O VILLAGE-
BHAGWANPUR, P.S.- NAUTAN, DISTRICT- GOPALGANJ.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Jai Narayan Thakur, APP

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

2 21-05-2021 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. Jai Narayan Thakur, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Yadopur P.S. Case No. 26 of 2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the informant with police team reached at the place of occurrence. Seeing the police, the two persons who were unloading the sacks of illicit liquor from a boat managed to escape. The police apprehended the accused persons who were sitting on the boat and in light of torch all the accused persons



were identified with the help of local chaukidar. On search total 215 liters of illicit liquor were seized.

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, he has been allegedly identified in the light of torch by the local chaukidar. The petitioner is in custody since 9.12.2020.

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 it is the submission of learned counsel for the petitioner that the recovery of illicit liquor is not from the possession of the petitioner, he has been allegedly identified in the light of the torch which is highly improbable, the petitioner is in judicial custody since 9.12.2020, investigation against him is complete, let the petitioner be released 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 court of Additional District and Session Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Yadopur P.S. Case No. 26 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'.

