

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10801 of 2021**

Arising Out of PS. Case No.-451 Year-2020 Thana- RAJAON District- Banka

MISHAN KUMAR DAS SON OF ASHOK DAS Resident of Village - Latta
(Dikuani), P.S.- Poreyahat, Dist.- Godda (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate.
Mr. Brij Nandad Prasad, Advocate.
For the Opposite Party/s : Mr. Md. Khursid Anwar, APP

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

2 14-06-2021 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. Md.
Khurshid Anwar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Special Excise Case 669 of 2020 (Corresponding to
Rajoun P.S. Case No. 451 of 2020) registered for the offences
punishable under Sections 30 (a) (g) and 32(2) of Bihar Prohibition and
Excise Act 2016.

Learned counsel for the petitioner submits that as per the
prosecution story, t on 12.11.2020 at about 7.30 pm the informant along
with other police officials received a secret information and went to
verify the same at Khaira Mor and started checking vehicles, in the
meantime they saw one car and asked the driver to stop the vehicle but



instead of stopping, the driver tried to escape. The police made a chase and nabbed him. It is further stated that on enquiry the driver told his name as Mishan Kumar Das. On search of the seized vehicle altogether 205.5 litres of illicit foreign made liquor was recovered from the vehicle.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 13.11.2020 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 this Court has noticed that according to the allegation the petitioner was driving the vehicle from which 205.5 litres of illicit foreign liquor have been recovered but the submission of learned Senior Counsel of the petitioner is that neither the vehicle belongs to the petitioner nor he was driving the said vehicle, moreover the petitioner has remained in jail in connection with the present case for about 7 months, prior to the present case he had no criminal antecedent, 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 Court of Additional Sessions Judge-II, Banka in connection with Special Case



No. 669 of 2020 (Corresponding to Rajoun P.S. Case No. 451 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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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'.

