

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10643 of 2021**

Arising Out of PS. Case No.-97 Year-2019 Thana- PUSA District- Samastipur

SRI RAM KUMAR Son of Gauri Shankar Singh @ Gauri Shankar Ray
Resident of Village-Malikaur, P.S.-Pusa, District-Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Singh, 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 Pusa P.S. Case No. 97 of 2019/Computer Registration No. 1177 of 2019 registered for the offences punishable under Sections 30(a), 41(2) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story total 225 litres and 600 ml Indian made foreign liquor has been recovered from one Mahindra pickup vehicle and the driver of the said vehicle managed to escape.

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. The petitioner is in custody since 30.7.2020.

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 petitioner has been made accused in this case being the owner of vehicle from which 225 litres of illicit liquor has been recovered, the petitioner was however, not present there it was being run by a driver, the petitioner has already remained in jail in connection with the present case since 30.7.2020, investigation against him is complete, prior to the present case he had one case on his head in which he is on bail, 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, 2nd -cum- Special Judge (Excise), Samastipur in connection with Pusa P.S. Case No. 97 of 2019/ Computer Registration No. 1177 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'.

