

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10494 of 2021**

Arising Out of PS. Case No.-211 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

VIKASH son of Jay Bhagwan resident of village- Bahali Anandpur, P.S- Bahu Akbarpur, Distt- Rohtak (Haryana)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, 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 Ms. Sharda Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mohammadpur P.S. Case No. 211 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he was driving the car from which total 325.35 liters of illicit liquor has been allegedly recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the illicit



liquor and the vehicle in question. The petitioner is in custody since 26.09.2020 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 it appears from the averments made in the application that there is a seizure of altogether 325.35 liters of illicit liquor, the petitioner was allegedly driving the vehicle in question but now the chargesheet has been filed against him, he has remained in custody since 26.09.2020 and prior to the present case, he had no criminal antecedent, he is also ready and willing to provide bailors to the satisfaction of the court, 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-II, Gopalganj, in connection with Trial No. 4658 of 2020 arising out of Mohammadpur P.S. Case No. 211 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.

And further condition that one of the bailors should be a local resident within the jurisdiction of the learned trial court having sufficient immovable property.

And further conditions that the petitioner shall cooperate in course of trial. Two consecutive defaults in putting appearance before the learned trial court shall invite action towards cancellation of his bail by the learned court below.

The application stands disposed of accordingly.

(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'

