

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37608 of 2021**

Arising Out of PS. Case No.-4 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Bharat Das, Son of Late Kashi Das, Resident of Village- Revtit, P.S.-
Baikunthpur, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satish Mishra, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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

2 18-01-2022 Heard learned counsel for the petitioner and Ms. Anita
Kumari, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Baikunthpur P.S. Case No. 4 of 2021 registered for the offences punishable under Section 30(a)/41 of the Bihar Prohibition and Excise Amendment Act, 2018. He is in custody since 04.01.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, on 03.01.2021, the informant got secret information that the petitioner was going to deliver liquor with 3-4 persons on his Tempo to other liquor traders. On this information, the informant reached near the house of Bharat Das where one yellow blue colour tempo was standing and 4-5 persons were standing there, on query, those



people started fleeing away but one person was apprehended with the Tempo and on search of the Tempo total 36.54 liters English liquor were seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, he is a Tempo driver from where 36 liters of illicit liquor were recovered.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the materials showing that this petitioner is a Tempo driver and from the said Tempo altogether 36.54 liters of illicit liquor is said to have been seized, petitioner has no criminal antecedent and has remained in custody in connection with this case for over one year, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Gopalganj in connection with Baikunthpur P.S. Case No. 4 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

