

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38486 of 2021**

Arising Out of PS. Case No.-112 Year-2021 Thana- BIHIA District- Bhojpur

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Ganesh Prasad, S/O Rikhai Prasad, R/O Village-Katea P.S.-Bihiya, District-
Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 31-01-2022 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Excise Case No.671 of 2021 arising out of Bihiya
P.S. Case No.112 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
He is in custody since 27.03.2021. The petitioner has got no criminal
antecedent.

Learned counsel for the petitioner submits that it is a case
of false implication of the petitioner. The recovery of 68 liters of
illicit liquor has been made from a place outside the premises of the
petitioner and the petitioner has got no control over the said place.



Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but considering that the recovery is from a place outside the house of the petitioner and he is in custody since 27.03.2021 as also that he has got no criminal antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge-cum-Special Judge, Excise Act, Bhojpur at Ara in connection with Bihiya P.S. Case No.112 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)

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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'.

