

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38493 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- RAGHUNATHPUR District- Siwan

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Amarjeet Yadav, Son of Rajkokil Yadav @ Rajkapil Yadav, Resident of
Village - Panjwar, P.S.- Raghunathpur, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Arvind Kumar Pandey, 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Raghunathpur P.S. Case No.70 of 2021

registered for the offences punishable under Section 30(a) of the

Bihar Prohibition and Excise Act, 2016. He is in custody since

08.05.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per

the First Information Report 370 liters of mahua wine has been

shown recovered from a tractor of which the petitioner is owner.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the recovery is not from the conscious possession of the petitioner and the seizure list has not been prepared in accordance with law. It is submitted that the petitioner has remained in custody in connection with this case since 08.05.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that the alleged recovery of liquor of total 370 liters of mahua wine has been shown from the tractor belonging to the petitioner but according to the petitioner at the time of seizure the vehicle was not in his control and the recovery cannot be said to be from the conscious possession of the petitioner, the seizure list has not been prepared in accordance with law and the petitioner has remained in custody in connection with this case since 08.05.2021 having 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 Additional Sessions Judge-II, Siwan in connection with Raghunathpur P.S.



Case No.70 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'.

