

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40149 of 2021**

Arising Out of PS. Case No.-202 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Bikram Rai Yadav @ Vikram Rai Son Of Premlal Yadav @ Prem Lal Ray
Resident Of Village - Bahera Ward No. 9, P.S.- Majorganj, District -
Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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

2 08-02-2022 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.
Sanjay Kumar Pandey, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with C2 Case No. 202 of 2021 registered for
the offence punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016. He is in custody since 09.04.2021. The
petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that the
petitioner was arrested by the SSB Personnel at Indo-Nepal
Border when he was coming from Nepal and on search total 63



liters of Nepali Saufi wine was recovered from his possession.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has remained in custody since 09.04.2021 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 allegedly 63 liters of Nepali Saufi wine has been recovered from the petitioner, the petitioner has remained in custody since 09.04.2021, he has otherwise no criminal antecedent and investigation against him is complete, 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 Addl. District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with C2 Case No. 202 of 2021 subject to the conditions 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.

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'.

