

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42336 of 2021**

Arising Out of PS. Case No.-178 Year-2021 Thana- BUDDHACOLONY District- Patna

Harnam Singh, son of Makhan Lal Resident Of Bhuiya, P.S-Bhota, district – Bareli (Uttar Pradesh).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailesh Kumar, Advocate
For the Opposite Party : Ms. Pushpa Sinha.1, APP

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

2 15-02-2022 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 Ms. Pushpa Sinha-1, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Buddha Colony P.S. Case No. 178 of 2021, Special Case No. 3533 of 2021 registered for the offences punishable under Section 30(a), 36, 41 of the Bihar Prohibition & Excise Act, 2018. He is in custody since 11.06.2021 having no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, the informant has alleged that while he was on patrolling duty with other police



personnel, he got confidential information, thereafter he reached near Hospito India and saw one Brezza Car standing on road side, in the meantime, one person came there and started talking with driver Harnam Singh (petitioner). Police reached there and apprehended the driver and other persons and on search of the Brezza Car total 202.575 liters of foreign made liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He happened to be the driver of the Brezza Car in which 202.575 liters of foreign liquor were found, however petitioner has got no criminal antecedent and he is in custody since 11.06.2021.

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

Having regard to the submissions that this petitioner has been roped in the present case alleging that he happened to be the driver of the vehicle i.e. a Brezza Car in which 202 liters of foreign liquor were found but the petitioner has got no criminal antecedent and has remained in custody in connection with this case for about eight months, investigation against him is complete and his presence may be secured in course of trial, 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 Special Judge, Excise Act, Patna in connection with Buddha Colony P.S. Case No. 178 of 2021, Special Case No. 3533 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.

One of the bailors shall be a permanent resident of the State of Bihar having sufficient means.

(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'.

