

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42782 of 2021**

Arising Out of PS. Case No.-10 Year-2021 Thana- SAHAJITPUR District- Saran

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Jitendra Singh Son Of Shivnath Singh Resident Of Village- Mangurha, P.S.-
Mashrak, District- Saran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

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

2 16-02-2022 At the outset, learned counsel for the petitioner seeks permission to make correction with regard to the village name of the petitioner in the title portion of the petition. According to him, the correct name of the village is 'Mangurha' but it has been wrongly typed as 'Marigurha'.

Let the correction be carried out and the village name be read as 'Mangurha' in the title portion.

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 Ms. Gulnar Begum, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sahajitpur P.S. Case No. 10 of 2021 registered for the offences punishable under Sections 30/30(a) of Bihar Prohibition and Excise Act. He is in custody since 03.02.2021. The



petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, the informant along with other police officials, on secret information that the accused persons named in the FIR including this petitioner are involved in unloading illicit liquor, raided the alleged place and on seeing the police party accused persons fled away. Thereafter on search of Pickup Van, which was standing there, total 287.640 liters of foreign liquor has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the allegedly recovered foreign wine. The petitioner is in custody since 03.02.2021.

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

Having regard to the uncontroverted submission of learned counsel for the petitioner that the alleged recovery of liquor has been made from an open place and the Pickup Van which was standing there, the submission that this petitioner has been falsely implicated in this case because of his two criminal antecedents but those are of the year 2017 and the petitioner has no concern either with the said place, illicit liquor or the Pickup



Van and further that he has remained in custody in connection with this case for more than 10 months, investigation against him is complete and his appearance may be secured in course of trial, 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 2nd Additional Sessions Judge-cum-Special Judge Excise, Saran in connection with Sahajitpur P.S. Case No. 10 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'.

