

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45620 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- SHYAMPUR BHATHA District- Sheohar

Ram Babu Ram, S/O Late Sitaram Ram, R/O Village- Uday Chhapra, P.S.-
Shyampur Bhataha, District-Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Gulnar Begum, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Shyampur Bhataha P.S. Case No. 66 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016. He is in custody since 02.05.2021. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was on patrolling duty, he received secret informant that the petitioner is indulged in selling liquor. The informant reached at the house of the



petitioner, on seeing the Police, he managed to escape. On search of his straw house, the informant recovered 5 litre country made liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 02.05.2021.

Learned counsel submits that the alleged recovery is from the straw house of the petitioner which is an open place and petitioner does not live therein.

Ms. Gulnar Begum, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the recovery of liquor is from the straw house of the petitioner which is open to all and it cannot be said to be in conscious possession of the petitioner, the petitioner has been falsely implicated in this case and in connection with the present case, he has remained in custody for over nine months, investigation against him is complete and in the two cases which are there against him, he is on bail, his presence may be secured in course of trial, therefore, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sheohar in connection with Shyampur Bhataha P.S. Case No. 66 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 steps 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'.

