

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45556 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- BARAUNI District- Begusarai

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RAM KISHUN SAH @ KISHUN SAH Son of Late Ram Charitra Sah
Resident of Village- Mirzapur, P.S.- Barauni (Chakiya O.P.), District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prem Kumar, Adv.

For the Opposite Party/s : Ms.Asha Kumari, APP

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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. Asha
Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Barauni P.S. Case No.119 of 2021 registered for
the offences punishable under Section 30(a)(c) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
25.06.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story on 18.03.2021 at about 11.30 am the
informant on secret information conducted a raid near Ganga



Prasad Diara and on seeing the police party some persons started fleeing away in which one person was arrested. On interrogation he disclosed his name as Vijay Mahto. On search total 90 liters of country made liquor were recovered. It is further alleged that the apprehended person disclosed the name of the persons who fled away as Ram Kishun Sahn (this petitioner), Fudki Mahto, Jawahar Mahto, Sikiya Mahto and one unknown person.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 25.06.2021.

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 name of the petitioner has transpired in the confessional statement of the co-accused Vijay Mahto, there is no recovery from the possession of the petitioner, he is in custody since 25.06.2021, investigation against him is complete and his presence may be secured in course of trial, 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-cum-Special Judge, Excise Act, Begusarai in connection with Barauni P.S. Case No.119 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'.

