

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45630 of 2021

Arising Out of PS. Case No.-665 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

PRAMOD RAM, S/o Ramdeep Ram, Resident of Anjana Coat, P.S.- Motipur,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, 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 Mr. Pradeep Narain Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Muzaffarpur Town (Sikandarpur O.P.) P.S. Case No. 665 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 15.10.2020. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was involved in vehicle checking, he intercepted a rickshaw and recovered 100 litres of illicit



liquor in four gallons kept on the rickshaw. It is alleged that the petitioner was pulling the rickshaw on which co-accused Raja Kumar was sitting.

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 has no criminal antecedent and he is in custody in connection with this case since 15.10.2020.

Learned counsel submits that the petitioner is a rickshaw puller and while he was carrying a passenger Raja Kumar, the rickshaw was intercepted and altogether 100 litres of illicit liquors were recovered. It is submitted that the petitioner could not have looked into the luggage of the passenger and as such, the recovery is not from his conscious possession.

Learned counsel submits that presence of the petitioner may be secured in course of trial.

Mr. Pradeep Narain Kumar, 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 petitioner is a rickshaw puller and while he was carrying a passenger Raja Kumar the rickshaw was intercepted and altogether 100 litres of illicit liquors were recovered, the submission being that the petitioner could not have looked into the luggage of the passenger, therefore, he cannot be said to be in conscious possession of the same and further submission that the petitioner who has otherwise no criminal



antecedent has remained in custody since 15.10.2020, 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 Special Judge, Excise Act, Muzaffarpur in connection with Muzaffarpur Town (Sikandarpur O.P.) P.S. Case No. 665 of 2020, 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)

vats/-

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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'.

