

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45659 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- SURSAND District- Sitamarhi

Satyendra Narayan Rai S/O Late Mahendra Rai R/O Village- Bantolewa, P.S.-
Sursand, District- Sitamarhi

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s: Mr. Shyameshwar Dayal, APP

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 Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shyameshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sursand P.S. Case No. 102 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act. He is in custody since 10.03.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant along with other police officials while on patrolling duty got a secret information that some persons are coming with illicit liquor from Nepal through Acharwa Tol Pool Sareh. On this information, they reached there and at about 01:45



P.M. some persons were seen coming with bags on their head. After seeing police party, they started fleeing away after throwing their bags but one of them (this petitioner) got apprehended and disclosed name of other co-accused. On search of the bags, total 144 liters of Nepali Saufi wine was 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 there is no recovery from the conscious possession of the petitioner. The petitioner is in custody since 10.03.2021 having no criminal antecedent.

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

Having regard to the submission that altogether 144 liters of Nepali Saufi wine have been recovered from 4 bags of the accused persons including this petitioner, the petitioner has been falsely implicated even as there was no recovery from his conscious possession and further submission that the petitioner who has no criminal antecedent has remained in custody in connection with this case since 10.03.2021, 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 Additional District & Sessions Judge-II-cum-Special



Judge (Excise) Sitamarhi, Bihar in connection with Sursand P.S.
Case No. 102 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.

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'.

