

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45668 of 2021**

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

SIKINDAR KUMAR S/O JAYKISHUN MAHTO R/o village- Jagdishpur,
P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.
For the Opposite Party/s : Mr. Akhileshwar 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 office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Runnisaipur P.S. Case No.491 of 2020 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a), 38(i),(ii) and 41 of the Bihar Prohibition and Excise Act, 2016. He is in custody since 16.06.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story 2962 liters of illicit liquor were allegedly recovered from the house of co-accused Manoj Prasad and



allegation is that the petitioner and others fled away from there.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating was recovered from the physical possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 16.06.2021.

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 petitioner has not been named as among those accused who were seen fleeing away, the name of the petitioner has transpired in the confessional statement of the co-accused Ujjwal Kumar Singh but save and except that confessional statement no other material has been brought to the notice of this Court and the petitioner who has got one criminal antecedent and is on bail in the said case is in custody since 16.06.2021, the five named accused have been granted bail by learned coordinate Benches of this Court in Cr.Misc.No.42793 of 2021, 34966 of 2021 and 29218 of 2021, the case of the petitioner could not be distinguished, 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Runnisaipur P.S. Case No.491 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 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'.

