

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55938 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Baban Bhuiya S/O Rambali Bhuiyan R/O Village- Adari Nadi, Bhuiyan Toli,
Bus Padaw, Ward No. 29, P.S.- Aurangabad Town, District- Aurangabad
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 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. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with G.R. No. 555 of 2021 arising out of
Aurangabad Town P.S. Case No. 152 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act. He is in custody since 27.07.2021. The
petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant got secret information that
the accused persons are involved in the trade of illicit liquor. On



this information, the informant along with other police personnel raided the house of the petitioner and on seeing the police party two persons fled away. On search, total 52.5 liters of country-made liquor was recovered from the roof of the house of the petitioner.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with said illicit liquor and the alleged recovery is said to have been made from the roof of the house of the petitioner which is a joint family house. The petitioner is in custody since 27.07.2021 having no criminal antecedent.

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

Having regard to the submissions that the recovery of 52.5 liters of country-made liquor has been made from the open roof of the petitioner when the petitioner was not present in the house, the petitioner has remained in custody in connection with this case since 27.07.2021 and he has otherwise no criminal antecedent as stated in paragraph '3', investigation against him is complete and his presence may be secured in course of trial, therefore, 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 & Sessions Judge (II)-cum-Special Judge (Excise), Aurangabad in connection with Aurangabad Town P.S. Case No. 152 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'.

