

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55937 of 2021

Arising Out of PS. Case No.-223 Year-2021 Thana- JAYNAGAR District- Madhubani

Radhe Kumar Son Of Suraj Panjiyar Residento Of Villegge - Fulkaha, P.S.-
Jainagar, Distt.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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 Jainagar P.S. Case No. 223 of 2021 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016. He is in custody since 12.08.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got a secret information that a tempo loaded with illicit liquor is coming at Narar Kaluahi. On this information, the informant along with other police officials reached the said place and on seeing the police party, one person fled away



from the tempo and four persons including this petitioner were apprehended from Jitu mini van. On search of the said tempo, total 450 liters of Nepali Saufi wine was recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was arrested from Jitu mini van from which there is no recovery of illicit liquor. It is submitted that the alleged recovery of illicit liquor is said to have been made from the tempo but the petitioner has no concern with the said tempo. The petitioner is in custody since 12.08.2021 having no criminal antecedent.

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

Having regard to the submission that this petitioner is said to have been arrested from Jitu mini van but there is no recovery of illicit liquor from the said vehicle, the recovery of 450 liters of Nepali Saufi wine has been shown from a tempo but the petitioner has no concern with the said tempo, he has already remained in custody since 12.08.2021, investigation against him is complete and he has otherwise no criminal antecedent, 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 Act, Madhubani in connection with Jainagar P.S. Case No. 223 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'.

