

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56579 of 2021

Arising Out of PS. Case No.-136 Year-2021 Thana- BAUNSI District- Banka

MAN MOHAN KUMAR SAH, Son of Ramswaroop Sah, Resident of
Village- Changeri, P.S.- Barahat, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 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. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bounsi P.S. Case No. 136 of 2021 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2018. He is in custody since 30.06.2021. The
petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant while was on day patrolling
duty received information that one motorcycle rider is carrying
liquor who is coming from the side of Hasdiha. On getting this



information, the informant started the checking of vehicles and after some time one person was seen coming on motorcycle keeping gallon who was tried to stop but he started escaping. Thereafter, he was apprehended on chase. In absence of independent witness, the informant searched the gallon in presence of two Police constables and recovered 40 litres of illicit liquor. The apprehended person disclosed his name as Man Mohan Kumar Sah (petitioner).

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 30.06.2021.

Learned counsel submits that the seizure list has not been signed by independent witnesses and the liquor was recovered from the motorcycle which was lying in abandoned condition.

Mr. Md. Fahimuddin, 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 seizure list witnesses are members of the Police party, the petitioner has got



no criminal antecedent and he has remained in custody in connection with this case since 30.06.2021, 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 Additional Sessions Judge-II, Banka in connection with Special Case No. 465 of 2021 (corresponding to Bounsi P.S. Case No. 136 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.

(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'.

