

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56243 of 2021**

Arising Out of PS. Case No.-72 Year-2021 Thana- HATHUA District- Gopalganj

Manoj Patel, S/o- Sri Kishun Patel, Residence of Hathua, P.S.- Hathua,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar, Adv.

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

**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 Ms.
Pushpa Sinha-1, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Hathua P.S. Case No.72 of 2021 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
04.08.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that, as per
the prosecution story, on secret information police recovered
119.66 liters of illicit liquor from the house of co-accused Om
Prakash Patel.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Learned counsel submits that there is no recovery from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 04.08.2021.

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

Having regard to the materials showing that recovery of illicit liquor has been made from the house of co-accused Om Prakash Patel and not from this petitioner, the petitioner has got one criminal antecedent of similar nature but he has remained in custody in connection with this case for over eight months, investigation against him is complete and his presence may be secured in course of trial, 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 District and Sessions Judge-II-cum-Spl. Judge, Gopalganj in connection with Hathua P.S. Case No.72 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 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'.

