

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65910 of 2021

Arising Out of PS. Case No.-232 Year-2021 Thana- SONBERSA District- Sitamarhi

Vicky Mestar Son of Yogendra Mester @ Yogendra Mehatar Resident of
Village- Sonbarsa, Ward No.3, Police Station - Sonbarsa, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-05-2022

Heard counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within a period four weeks.

The petitioner is in jail in connection with Sonbarsa
P.S. Case No. 232 of 2021 for the offence under section 30(a) of
the Bihar Prohibition and Excise Act.

As per the FIR, the Sub-Inspector of Police Mr.
Jitendra Kumar Singh while on patrolling duty, was proceeding
towards 'Chandni Chowk' and when he saw a Tempo coming
speedily, he tried to stop the said Auto. The driver however,
tried to flee but was apprehended. The Tempo was searched and
107 litres of country made wine was recovered, seizure list was
prepared and the petitioner was arrested.

Learned counsel for the petitioner, Mrs. Madhubala



Verma submits that a bare perusal of the seizure list would show that no where the signature of the petitioner is available.

The learned counsel submits that the petitioner had no connection with this alleged seizure and he has been dragged by the police in this case. She further submits that the petitioner does not bear any criminal antecedent.

This Court finds it ironical that the informant is the Sub-Inspector of Police himself and he has chosen not to follow the basis requirement of law, inasmuch as the signature of the petitioner who has been alleged to be the driver of the Tempo is missing on it.

The Superintendent of Police, Sitamarhi shall verify the matter and take appropriate steps in the matter to prevent such lapses.

Taking into account the aforesaid facts that the signature is missing in the seizure list, the charge-sheet has already been submitted and the petitioner does not carry any criminal antecedent beside the facts that he is in jail since 18.8.2021 (as stated in para-8 of the bail application), this Court is inclined to grant the petitioner the privilege of bail. However, if it is found that he does have criminal antecedent, this bail order shall become infructuous.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Additional District and Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi, in connection with Sonbarsa P.S. Case No. 232 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

With the aforesaid observations, the bail application is allowed.

Let a copy of this order be sent to the office of Superintendent of Police, Sitamarhi for his/her perusal and proper action.

(Rajiv Roy, J)

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