

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69525 of 2021

Arising Out of PS. Case No.-356 Year-2021 Thana- BARAUNI District- Begusarai

BINOD SAH @ LANGRA Son of Ram Nandan Sah Resident of Village-
Baro (Salempur) Tola, P.S.- Barauni (Gadhara), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate.

For the Opposite Party/s : Ms. Veena Rani Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shivjee Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Barauni (Gadhara) P. S. Case No. 356 of 2021 registered for the offences punishable under Sections Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police, on a secret information that the petitioner after loading illicit liquor on a tractor was coming and two persons including



the petitioner, were riding on a motorcycle going ahead of the said tractor. On the aforesaid information, the police intercepted the tractor, however, the motorcycle riders as well as other persons succeeded in fleeing away and on search total 495.720 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious possession. It is further submitted that the alleged seized tractor belongs to another person and the petitioner has no concern with the same. It is further submitted that only because of past criminal antecedent, his name has been implicated in this case, which shows high-handedness of the police. It is next submitted that the petitioner is in custody since 18.09.2021 and moreover, he is 65% handicapped on account of post polio paralysis of both lower limb since his childhood.

On the other hand, learned APP for the State opposes the bail application and submits that ample material has come against the petitioner during the course of investigation and moreover, the petitioner has multiple criminal antecedent. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in all the cases.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the petitioner being handicapped person, is in custody since 18.09.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Begusarai in connection with Barauni (Gadhara) P. S. Case No. 356 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will



liable to be cancelled.

- (v) 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 cancelling 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.

(Harish Kumar, J)

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